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I certify that the copies before me agree in all cases word for word with the original documents.

Nuernberg, 19 July 1946.

s/ Dr. KUBUSCHOK

Attorney-at-Law

Defense Counsel for the Reich Cabinet

Reich Cabinet Document No.3

From: Dokumente der Deutschen Politik

Volume 1

The National Socialist Revolution of 1933

pages 2,3,4,5,6

A Manifesto by The Reich Regierung to the German People

1 February 1933

More than 14 years have passed since that unhappy day when, decluded by promises from within and without, the German people forgot the most precious possessions, of our past, the Reich, its honor and its freedom, and thus lost everything.

Since this day of betrayal, the Almighty has withdrawn his blessing from us.

Disharmony and hatred came upon the scene. Deeply grieved, millions of our best German men and women from all walks of life see the nation's unity depart, disintegrating into a maze of egotistic political opinions, of economic interests and diametrically opposed ideologies.

As has happened so many times in our history, Germany since that day of the revolution is tragically divided against itself. We did not receive the equality and brotherhood promised to us, but we did lose our freedom for the deterioration of our people's moral and will to unity at home was followed by the decline of our political position in the world.

Fervently imbued with the conviction that in the year 1914 the German people went forward into the great battle without the slightest thought of its own guilt, but solely burdened by the consciousness that it is its duty to defend the attacked Reich, the freedom and very life of the German individual, we see in the tragic destiny which pursued us since that November of 1918 nothing else but the effect of our inner decay. Since then, however, the rest of the world is likewise being shaken by one crisis after another. The historical balance of

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power which at one time contributed not a little towards an understanding for the need of an inner solidarity of nations - with all the resulting economic blessings, has been put aside. The illusory idea of victor and vanquished destroys confidence between the nations and with it the world's economy.

But the misery of our people is shocking. Starvation of millions of the proletariat for whom there is no work, follows complete pauperization of the middle classes and craftsmen. When this decay shall have touched the German peasant, we shall be confronted with a catastrophe of unfathomable scope. Not only a Reich shall then have crumbled, but the proudest inher cultural possessions of two-thousand years of civilization go with it.

Threatening symptoms indicate that this process of decay has reached its lowest point. In an unprecedented onslaught of will and violence, the mad communistic methods try to poison and undermine the people, shaken to its innermost core and uprooted, and so hasten the day when it will be found that the promises of the communist propagandists of our time turn out to be even worse than those of the past, gauged by the promises made us by the same apostles in November 1918.

Beginning with the family, disregarding all concepts of honor and loyalty, of people and fatherland, of culture and economy, down to the very basis of our morality and our faith, this all-negating, all-destroying idea spares nothing. Fourteen years of Marxism have ruined Germany; one year of Bolshevism would destroy Germany. The world's richest and most beautiful domains of culture would be transformed into chaos and ruins. Not even the woe of the last fifteen years could be compared

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to the plight of a Europe in whose heart the red banner of annihilation has been hoisted.

The toll of thousands of wounded and innumerable dead which this internal war has already cost Germany may serve as a signal of the storm to come.

In these hours of overwhelming sorrow for the life and future of the German nation, the revered leader of the World War called us men of national parties and unions to gather once more about him, to fight together loyally under him at home to save our Reich, just as we fought under him in the past, on the front. Now, that the venerable Reich President magnanimously united our hands for the common task, we national leaders vow to our God, to our conscience and to our people that we shall carry out the mission assigned to us as a national Government with determination and persistency.

I.

This heritage of which we take possession is a terrible one.

The task which we are to solve is the most difficult ever assigned to German statesmen, within the memory of man. But the confidence within us is unbounded because we have faith in our people and in its immortal values. Farmers, workers and middle-class must together furnish the bricks for the construction of the new Reich.

Thus the national Government will consider it its first and most important task to reestablish the moral and will-inspired unity of our people. It will safeguard and protect the bases on which the strength of our nation rests. It will accord its protection to Christendom as a basis of our collective morality, and to the family as the kernel of the State. Disregarding all classes and professions it will once more revive in our nation the consciousness of its national

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and political unity and its resulting duties. As a basis for the education of German youth it will use the veneration for our great past, the pride of our old traditions. It will thus declare merciless war to upon intellectual, political and cultural nihilism. Germany should not and will not be engulfed b, anarchism and communism.

In the place of wild instincts it will once more make national discipline the rule of our lives. In so doing, we shall scrupulously care for all those institutions which are the true safeguards of the strength and power of our nation.

II.

The national Government will solve the great task of reorganizing the economy of our people by means of two big four-year plans: Saving the German farmer to maintain the vital foundation of our national existence. Saving the German working man through a gigantic and all-embracing attack on unemployment.

The November parties ruined the German farmer in the course of fourteen years in which time they have created an army of idle men which numbers millions.

With iron determination and relentless persistency the national Government will carry the following plan into effect: Within four years the German farmer must have been definitely saved from pauperization; within four years the condition of unemployment must have been eliminated completely. Simultaneously the following are prerequisite for an economic revival in other fields.

In conjunction with this gigantic task of restoring our economy, the national Government will carry through the task of a rehabilitation of the Reich, of the provinces and of the communities from the viewpoint of administration and the technique of taxes.

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Only this will give life and reality to the idea of preserving the federative character of the Reich.

One of the main pillars on which this program rests is the idea of compulsory work, and the settlement policy.

However, the concern for daily bread will at the same time mean the fulfilment of all social duties in sickness and in old age.

At the same time, in the economy in its administration, in the furthering of work, in the safeguard of our farm elements, as well as in putting to good use the initiative of the individual, lie the most effective means to avoid any experiment which would endanger our currency.

III.

In foreign political questions, the national Government will view as its highest mission the protection of vital rights, and with it the reestablishment of the freedom of our people. Resolved to put an end to chaotic conditions prevailing in Germany it will make its contribution to bring about the admission of a State of equal value and also equal rights into the community of other nations. It is deeply conscious of the greatness of the duty to seek and maintain peace, of which the world is in greater need today than ever before, for this free people entitled to equal rights. May the understanding of all the others, too, contribute to the fulfilment of our sincere wish for the welfare of Europe, and of the world.

However, great our love for our army as the bearer of our weapons and the symbol of our great past, we would nevertheless be more fortunate were the world - through reduction of its own armaments - never again to make it necessary for us to increase our own armaments.

If, however, Germany is to experience a political and economic

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regeneration and to fulfil conscientously its obligations towards the other nations, one thing is required above all: The overcoming of the communistic disintegration of Germany.

We, the men of this Government, feel the responsibility incumbent upon us before German history, for the reestablishment of a well-coordinated people and with it/the final overcoming of all class delusion and class struggle. We do not see a class, but the German people, the millior of our farmers, citizens, workers who will either overcome the cares of this period in unison, or else will succumb to them together.

Determined and loyal to our pledge, and considering the inability of the present Diet (Reichstag) to support this work, we shall place the task which we represent before the German people.

General Field Marshal von HINDENBURG, the Reich President, has summoned us with the order to bring about, by our united determination, the regeneration of our nation.

Therefore, we now call/upon the German people, for itself to sign with us this pact of reconciliation.

The Government of national regeneration is willing to work and it will work. It was not this Government which for the past fourteen years led the German nation into ruin; but it is desirous of leading it upward again. It is determined to in four years/wipe out the guilt of the last fourteen years.

However, it finds it impossible to make the work of reconstruction subject to the approval of those who caused the debacle.

The parties of Marxism and their fellow-travelers have had long enough time for fourteen years to give proof of their ability. The resul

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is a field of ruins. Now, German People, grant us the period of four years and then judge us and pronounce your vedict!

Obedient to the General Fieldmarshal's order we want to start: May God Almight, bless our work; may He fashion our will rightly; may He bless us with wisdom, and may He show us the grace that we enjoy the confidence of our people. Because we do not want to fight for ourselves but for Germany!

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Reich Cabinet Doc. 4.

From: New Constitutional Law

by

Dr. Wilhelm STUCKART
Dr. Wilhelm ALBRECHT
Dr. Rolf SCHIEDERMAIR
Leipzig 1939
P. 36, 37, 38, 39.

The Elimination of Political Parties.

A. The Maladministration of the Parties.

The entire State leadership and the entire State policy were built in the transitory State of Weimar on the political parties which exerted a harmful influence on the life of the German nation and government.

I. The parties poisoned national life. Party dissension and party strife creat an unbridgeable gulf between the individual groups of the population.

1. Germany's party dissension assumed in reality alarming dimensions and occupies a unique place in the history of nations.

Party disunion was a consequence of the right to vote by proportional representation which enabled the smaller groups of the population to obtain representation in the Reichstag and in the legislative assemblies (Landtagen) and to become a government party if possible. Parties sprang up like mushrooms out of the earth. Whereas there existed really only 5 parties in Germany prior to the war, their number gradually increased to 46 in the transitory State of Weimar.

2. The parties attacked one another most severely and communicated their oppositions to the population.

These oppositions grew deeper and deeper with each public election thro the activity of agitators who strove to further only the interests of thei party. The internal peace was disturbed. Acts of terrorism and bloody disputes between individual party members was a matter of daily occurrence During the last days of the Weimar System, Germany stood

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on the verge of an open civil war which threatened to throw her into a chaotic state.

II. The parties had paralyzed national life. The constitutional institutions of the Reich and the provinces no longer functioned.

1. The following development materialized in the Reich:

a) The Reichstag lost itself in complete impotence.

The so-called Weimar coalition, i.e. the union of Social Democrats, Democrats and Center could maintain themselves in office only for a short time. Then the majority constellations changed. One dissolution of the Reichstag followed another since the government majority could not hold its own. Finally, the party dissensions made it impossible to form a government majority which meant that the Reichstag was unable to function at all.

b) The Reich governments oscillated to and fro between the parties.

After each new election of the Reichstag a new Reich Cabinet was formed. Reich policy changed with each Cabinet. What had been erected painstakingly and at great cost by one Reich Cabinet was torn down by the next. Finally, the formation of a Cabinet based on the parliamentary system was no longer possible at all because of the incapability of the Reichstag to function.

c) In that critical period the Reich President proved to be the only stable constitutional body. He struggled to maintain the Reich's authority in virtue of art. 48 of the Weimar constitution.

aa) The Reich Cabinet assumed the form of the so-called

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Reich Cabinet Doc. 4[illegible]

Cabinet of the Reich President (Praesidialkabinett), i.e. the Reich President appointed the Reich Chancellor and the Reich ministers irrespective of the Reichstag, merely on the basis of personal confidence. He then placed extraordinary powers given him by Art. 48 of the Weimar Constitution in the hands of the Cabinet thus formed, and the Cabinet ruled by virtue of the authority given it by the enactment of emergency decrees promulgated in the name of the Reich Presidents. With the growing impotency of the Reichstag the situation became so grave that Art. 48 which had been intended by the founders of the constitution as an exceptional provision constituted the only basis for the entire German national life of that period.

bb) In the long run Government by presidential cabinets was intolerable. The emergency decrees which were issued by virtue of Art. 48 could be annulled at any time by the Reichstag, and the Cabinet could be overthrown by the Reichstag at any time. No majority could be formed in the Reichstag for serious work, but when it came to abrogating emergency decrees or to a vote of no confidence against the Reich Cabinet then a majority was indeed formed, for then the representatives of the opposition parties united without hesitation. The presidential cabinets came and went, but each of them had to rely on the support of the parties of the Reichstag and, therefore, could do its work only imperfectly. The people themselves, moreover, had no confidence in these presidential cabinets.

2. The provinces presented the same sad picture as that of the Reich.

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Reich Cabinet Doc. 4

a) Owing to party dissension the provincial diets (Landtage) became incapable of functioning in the same way as the Reichstag.

b) The provincial governments were lacking in legal foundations in order to do constructive work. They were disunited among themselves because of their political party composition and could no longer summon up enough determination to enact any generouss government measure whatsoever.

In most of the provinces only so-called executive governments were still in office, i.e. provincial governments that had been overthrown by a vote of no confidence of the provincial diet and now carried on the governmental affairs until a new cabinet would be formed. This, however, was impossible as the provincial diet was in no condition to form a government majority.

III. Germany's entire public life came to a standstill through the impossible political conditions and finally merely vegetated. The economic situation grew worse from day to day and in the meantime the distress of the people grew by leaps and bounds.

The result of party rule which the Fuehrer found on the occasion of his accession to power was a Reich on the verge of dissolution.

B. The End of the Weimar Party System.

I. The party system was as a matter of course absolutely intolerable for National Socialism. The National Socialist government, therefore, made the destruction of the party system its first main task.

1. The impelling reasons which demanded immediate change were:

a) The complete unreasonableness of the multi-party system which was so glaringly conspicuous in the transitory state of Weimar.

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b) The National Socialist conception of the State according to which an actual racial community is to form the basis of the State, i.e. such a community in which party and class distinctions no longer exist.

2. The German National Popular party and the Steel Helmet Organization also had to give up their independent existence in order to create a platform which would bring about the political union of the German people.

II. The elimination of the parties took place step by step, partly through State prohibitions, partly in the course of the self-dissolution of the individual parties.

1. The Communist party was forbidden at the outset as hostile to the State.

Their representatives were excluded from the Reichstag, the provincial Diets (Landtag) and the self-governing municipal corporations. The property of the party was confiscated in behalf of the provinces. Law of 26-5-33.

2. The Social Democrat party and its affiliated Marxist trade-unions were overcome by a similar fate.

a) The Party was dissolved after it had been established that it had founded supplementary and auxiliary organizations abroad to carry on a fanatical propaganda hostile to the German State and its people. Decree of 7-8-33, Law of 14-7-33.

b) On 2-5-33 the Fuehrer had the Marxist trade-unions taken over by the organization of industrial cells (Betriebszellenorganisation), after it had been seriously suspected that the trade-unions were the nuclei of a counter-attack against the National Socialist government. As their

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continued existence in the old form and in the old spirit of the class-struggle constituted a constant and serious danger to the State, the trade-unions were incorporated into the newly-created German Labor Front and thereby, at the same time, the way paved for a new organization which included the mass working people.

3. The remaining parties were hastening towards self-dissolution after they had recognized that their continuance was hopeless. In the course of the month of July 33 the dissolutions took place without friction of any kind.

a) The old middle-class parties (German National Popular Party, Center and Bavarian Popular Party) concluded an agreement with the National Socialist German Labor Party by which their representatives were allowed to join the National Socialist factions as guests in the Reichstag, the provincial diets and the self-governing municipal corporations.

b) First of all the Steel Helmet Organization was corporatively affiliated to the National Socialist Movement, but later automatically dissolved.

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Reich Cabinet Doc. 9

From: Documents of German Policy vol. 1

The National Socialist Revolution of 1933

P. 46

Dissolution of the German National Front. 27 June 1933

In complete understanding with the Reich Chancellor and in recognition of the fact that the multi-party State has been defeated, the German National Front has decided its dissolution. No obstacle will be placed in the way of the necessary measures of dissolution. Former members of the German National Front will be acknowleged by the Reich Chancellor as full members of national Germany with equal rights and protected against vexation or slights of any kind. This applies particularly to all officials and employees. Those former members of the German National Front at present in custody for political offences will be set free without delay and will not be subject to any subsequent proceedings. The Reichstag and Landtag factions of the NSDAP and the previous previous German National Front will ensure a homogeneous policy by the delegation of one or more members of the former German National Front to the executive of the NSDAP. faction. (Reichstag and Prussian Landtag two each). The procedure will be the same as in the self-administrative communities. The above has been signed by the Reich Chancellor and by Herr von WINTERFELDT, Baron von Freytag-Loringhoven and Dr. POENSGEN as deputy of the former German National Front.

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Reich Cabinet Doc. 9

From: Schulthess' Calendar of European History

Published by Ulrich Thuerauf

New series. 49th year.

Vol.74 of the whole series

1933

28 June The German State Party dissolves.

1 July The Christian-Social National Service dissolves.

4 July The German People's Party dissolves.

The former party leader DINGELDEY addresses a letter to Reich Chancellor HITLER on July 7, assuring him of the loyal cooperation of the members and voters of the former German People's Party with the National Socialist State. The Reich Chancellor makes due acknowledgment of this in his answer dated 12 July.

From: Documents of German Policy Vol. 1

The National Socialist Revolution 1933

Page 46

Dissolution of the Bavarian People's Party.

Declaration by the Plenipotentiary of the Provincial Party Direction Count QUADT-ISNY, Munich, 4 July 1933.

In agreement with the Bavarian State government, I declare, as Plenipotentiary of the Provincial Party Direction of the Bavarian People's Party, that all activity of the Bavarian People's Party has ceased as from to-day, and that its members are absolved of all allegiance to the party. . . . It is forbidden to everybody to carry on any kind of political activity under the appellation of Bavarian People's Party or in keeping with its program in the measure in which the latter is in conflict with the program of the NSDAP. The Party is thus factually dissolved. Its individual agencies and organizations

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Reich Cabinet Doc. 9

must immediately initiate and complete as rapidly as possible the necessary technical and financial dissolution (notice to personnel, notice for rented premises, payment of outstanding accounts etc.) and attend to the indispensable removal from the Register of Corporations. As a result of the National Revolution, there is no more possibility of political activity outside the NSDAP. The way is therefore clear for everyone who has hitherto belonged to the Bavarian People's Party to cooperate in the construction of the new Germany under the direct leadership of Adolf HITLER.

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Dissolution of the Center Party.

Declaration of the Reich Leadership. 5 July 1933.

The political revolution has placed German national life on an entirely new basis, leaving no more room for such political party activity as was still possible until recently. Effective immediately, the German Center Party therefore dissolves in agreement with Reich Chancellor HITLER. By this dissolution it gives its adherents the possibility of putting their strength and experience without reserve at the servive of the National Front led by the Reich Chancellor, for a positive cooperation towards the reinforcement of our national, social, economic and cultural position and contribution to the establishment of a new constitutional order.

The Center Party in completing the necessary organizational dissolution with the utmost speed. In so doing, it may be assured that the concluding operations will proceed undisturbed, that there will be no future seizure of former party property nor arrests of former party adherents for political reasons,

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and that those already arrested will be set free again so long as they are not suspected of penal offences. It expresses moreover the legitimate hope that the former adherents of the Center Party will in future be protected by the leader of the National Socialist movement against libel and slights, and that the Catholic press which reacts favorably to the National State will receive the same treatment as the rest of the national Press. Reichstag, Landtag and community corporation mandataries are at freedom to decide whether to keep their mandatss. The members of the former Center Party factions will not then transfer to the factions of the NSDAP in a body as temporary members, but will for the present remain without party and be merely in contact with the factions of the NSDAP through liaison agents. The nomination of such liaison agents will be effected in direct agreement with the authoritative part presidents of the NSDAP. In agreement with Reich Chancellor HITLER and the competent party presidents of the NSDAP, Dr. HACKELSBERGER, is designated as liaison agent of the former Reichstag faction of the Center with the Reichstag party of the NSDAP.

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Reich Cabinet Doc. 10

From: Schulthess' Calendar of European History

Published by Ulrich Thuerauf

New Series. 49th Year.

Vol. 74 of the whole series.

1933.

10 May. Confiscation of the property of the whole Socialist Party of its newspapers as well as of that of the "Reichsbanner" and of its newspapers has been ordered by the general public prosecutor of the Berlin 1st District - as reported by N.T.B. - The reason for confiscation consists of the numerous cases of disloyalty discovered when the Trade Unions and Workers' Banks were taken in charge by the NSBO.

The Socialist Party is thus put out of action. The Provincial Directorate of the Wuerttemberg Socialist Party, for instance, informs the Wuerttemberg Minister of the Interior that in view of the confiscation of the German Socialist Party's properties, and in keeping with the fact that, in the present political circumstances, there is no further possibility for party activity, the members of the Provincial Directorate of the Wuerttemberg Socialists have dissolved their party headquarters. The holders of mandates have been recommended to exercise their activities in a spirit that leaves no doubt as to either their national spirit nor good will towards supporting the political reconstruction of Germany according the plans of the National Socialist revolution. The paramount objective was to be and will remain the promotion of the welfare of all those compatriots employed as industrial workers within the framework of the general interests of the German interests.

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Reich Cabinet Doc. No. 11

From the:

NEW STATE LAW

of

Dr. Wilhelm STUCKERT, Dr. Wilhelm ALBRECHT, Dr. Rolf SCHNEIDERMAIR

Leipzig 1939, pages 18, 19, 20

III. The Coordination of the Provinces with the Reich.

The problem of "The Reich and the Provinces" runs like a red thread through the German History.

I. Even in the First Reich there were contrasts between the sovereignty of the Reich and that of the provinces which/later usage was referred to as Unitarism and Foederalism. In course of time the contrasts deepened immeasurably. In 1806 it disrupted German history by keeping Austria from joining the Reich.

II. In the Second Reich the problem was of no real importance. The Reich of Bismarck's constitution was founded on the federal loyalty of the princes of the provinces and was held together by them. Prussia was the leading Federal State. From the outset the constitution made provision to prevent any possibilities of friction between Prussia and the Reich through:

1. The so-called rights of hegemony of Prussia which guaranteed for the greatest Federal State a measure of influence commensurate with its importance in forming the Reich policy.
2. Union of the Reich and Prussia by means of one person so that Prussia's King was simultaneously also German Emperor, while the Reich Chancellor was at the same time Prussian Prime Minister.

III. During the period of the Weimar Interim State the problem of "Reich versus Provinces" became particularly acute.

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The link which heretofore existed between the Reich and the provinces (Laender) had been eliminated, Prussia's rights of hegemony had been abrogated. The parliamentary form of Government and party division within Germany favored the formation of governments expressing a variety of party tendencies within the Reich as well as within the provinces. From the very beginning these governments were antagonistic to one another, obstructing eachother's policy deliberately and ruthlessly This gave rise to intolerable conditions as which clearly demonstrated that from the view-point of State Law the relationship between the Reich and the provinces - such as the Weimar Constitution had formulated was against good sense and doomed to extinction.

1. Since 1928 a reform of the Reich had been"under debate" which strove to find a solution for the Reich-Laender problem on a unilateral basis without, however, yielding tangible results.

   It was proposed to transform Prussia and the majority of the North-German countries into Reich provinces while the rest of the countries were to retain their state independence.

2. Under the von PAPEN Cabinet the conflict broke into the open between the Reich Government and the Prussian Government which was controlled by the Social Democrats.

   a. The Reich Government relieved Prussian Ministers of their posts and placed Prussia's state business into the hands of Reich Commissioner

   b. The Prussian Minister had recourse to the Supreme Court. The ruling of the Supreme Court brought about a practically impossible legal situation in that in addition to the government represented by Commissioners it recognized also the ousted Prussian Cabinet as sovereign government fully competent for the political stewardship of the country.

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This impossible situation remained until it was abolished as a result of the national resurrection by a decree of the Reich President which reestablished orderly government conditions in Prussia on 6 February 1933.

IV. In the beginning the National Socialist Government encountered serious resistance on the part of the provinces. The provincial governments, the provincial and community parliaments, had all been formed before the usurpation of power and, consequently, they used all means within their reach to impede the development of the new course of the Reich. Especially in South Germany, their opposition turned into particularistic even separatist movements which took on an increasingly conspicuous form until it became a serious danger to the people and the Reich. The Reich Government, therefore, felt impelled to intervene. As an initial step Reich Commissioners were sent forth.

The Enabling Act, which in the meantime had been promulgated, gave the Reich Government the legal machinery to lay the basis for uniform cooperation between the Reich, the provinces and the communities. For that purpose the following laws were promulgated:

1. The interim law providing for coordination of the provinces with the Reich as of 31 March 1933.
2. The Second Law for the coordination of the provinces with the Reich of 7 April 1933, with amendment laws of 25 April 1933, 26 April 1933 and 14 October 1933.
3. The temporary law providing coordination of the provinces with the Reich, as of 31 March 1933.

The basic idea of the law was to prevent impeding or obstructing the Reich Government's policy by contradictory resolutions of the provincial or community parliaments. Two legal measures were designed to give this idea teeth, namely

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1. Simplification of provincial legislation through elimination of provincial parliaments.

2. Forming of new representative political bodies, i.e. the body representing the people of the provinces and the self-administrative bodies of communities and community associations.

B. The Second Law for the coordination of the provinces with the Reich of 7 April 1933.

I. By virtue of the Second Coordination Law - which is also called the Statthalter law (Governor Law), Reich Governors were appointed as head of the provinces, with the exception of Prussia -; their nomination was based on a recommendation by the Reich President or the Reich Chancellor.

1. Each Province was given its own Governor who resides where the Land Government had its seat.

Joint Governorship was possible for smaller provinces, i.e. those with less than three million inhabitants. Prussia was the only country for which a Reich Governor was not appointed. The governor's jurisdiction in this case was conferred on the Reich Chancellor.

2. The purpose of appointing governors was to maintain uniformity in the conduct of State affairs in the Reich and in the provinces. Reich Governors, therefore, were entrusted with the political stewardship; thereby laying the foundation for a unified German State.

II. The dual position of the Reich Governor.

1. In the firstplace the Reich Governors had to administer the Reich interests. Their official relationship with the Reich was based on public law under appropriate application of the Reich Minister Law of 27 March 1930.

2. On the other hand, the Reich Governors were also expected to act as confidants of the Laender.

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C. Conclusion.

These two coordination-laws resulted in a series of highly significant modifications in Reich and provincial legislation, as compared with the law situation hitherto which may be summarized as follows:

I. A temporary solution had been found for the grave problem of "Reich versus Provinces" which had existed for centuries.

1. The Reich had exerted a decisive influence on the State leadership of the Provinces.

2. Reich policy and Province policy pursued a common goal which, in harmony with the Chancellor's directives, aimed at the realization of the National Socialist idea of State.

3. The dualism between the Reich and Prussia had been eliminated.

II. For the time being the sovereignty of the Province remained, but was divided between the Land Government and the Reich Governor.

The Land Government had passed on to the Reich Governor important sovereign powers for which it, in turn, had gained the right to create legislation which now was handled uniformly in the entire Reich.

III. Parliamentarism had been elimiated for all practical purposes.

1. By reason of the fact that legislative power had been entrusted to the Provincial Governments, the legislative powers of the Provincial Diets had become meaningless.

2. The parliamentary form of government had been abolished for the Provinces.

3. The formation of will on the part of the people's representative bodies had been coordinated, since the National Socialist movement from now on represented in all political bodies which corresponded to the vote of confidence in the Reichtag election

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of 5 March 1933 which the German people gaive the Hitler government.

IV. The Provincial c nsitutions forfeited their character as State fundarentals..

Throughout the entire Reich a distinction between ordinary laws and constitutional laws had become devoid of meaning.

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Reich Cabinet Doc. 15

From: New Constitutional Law

by

Dr. Wilhelm STUCKART, Dr. Wilhelm ALBRECHT
Dr. Rolf SCHIEDERMAIR

Book 13[1] Leipzig 1939 P. 52,53,54,55.

The Law for the Reconstruction of the Reich brought to its conclusion a period of development in German history that extends over more than 800 years of our national life.

I. The First Reich was originally one, unified state; in the course of tir it developed into a federal state.

1. During the first two hundred years of its existence, under the emperors of the Saxon and Franconian houses, the Reich constituted a self-contained national state which powerfully defended the German land against outside foes and maintained internal peace.

Under the rule of the Hohenstauffen there began a gradual but steadily progressing process of disintegration of the Reich's unity. While the emperors exhausted their forces in endless struggles with foreign powers, and in particular with the papacy, the secular and ecclesiastic princes inside the Reich seized the opportunity to increase their power. They developed the sovereign powers granted them by the emperor into a separate territorial sovereignty, which very soon stood in pronounced opposition to the sovereign rights of the Reich. Within the Reich an endless number of large and small territories were created, the ruling princes of which were moved by the single desire to make themselves independent of the overlordship of the Reich.

2. By the Treaty of Westphalia, which in 1648 ended the Thirty Years War, the territorial sovereignty of the princes was expressly recognized as state sovereignty. The territories had developed into states, the Reich had become a federal state made up of more than 300 separate territorial states.

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Germany thereby fell into a practically hopeless state of internal dissension and disunion. The territorial states led a separate political life of their own without caring in the least about the Reich as a whole. The leading part in the Reich was played by the large territorial states, which little by little succeeded in absorbing a considerable part of the smaller states. The Reich sank into political impotence, and finally led a mere shadowy existence until it was dissolved in 1806. This terminated the hitherto existing cohesion, the territorial states were separated from each other and continued their existence as independent states.

II. The Second Reich was a federal state that arose from an union of states.

1. After the end of the Wars of Liberation, the German states united at the Congress of Vienna in the year 1815 in the German Confederation. This new union was a federation of states which assumed the task of preserving the inner and outer security of Germany. The union represented only a loose and powerless tie between the states.

But the yearning for a united Germany had remained alive within the German people and impetuously impelled them towards the re-establishment of a united and powerful German Empire.

a) This longing led to efforts towards unity, of which the following are to be described as milestones: The creation of the German Customs Union (Zollverein), (1834), the deliberations of the Constitutional National Assembly in the church of St Paul in Frankfort a.M. (1848), the Erfurt Union Program (1850), the Meeting of German Princes in Frankfort a.M. (1863)

b) The problem of national unity remained unsolved at the time.

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The main reason for this was that the rivalry between Prussia and Austria for the domination of Germany had flared up into an open conflict, in the course of which all efforts towards union made by one side were thwarted and brought to naught by the other.

2. Bismarck succeeded on the basis of the victorious campaigns of 1866 and 1870-71 in establishing a federal union of the German states and thereby of the German Empire.

   a) Bismarck's Reich was built upon the loyalty of the federated princes to the Reich. The holder of the national authority was not the German people, but the collectivity of the German Princes under the leadership of the Prussian King.

   b) The brilliant rise of the Reich in the early stages was soon retarded by the lack of a single ideology and attitude towards life (Welt- und Lebensanschauung). Jewry, freemasonry and Jesuitism found a suitable soil for growth. Their organized manifestations in political life were the center party and the Social Democratic party, which brought discord and class hatred among the people. Then came the World War and as a sequel to it the Marxist revolt in 1918, to which Bismarck's Reich fell victim.

3. The intermediate Weimar government was founded on an essentially foreign, parliamentary democratic constitution.

   a) The monarchial foundations of the previous constitution had been removed. With the federated princes the ties that so far had held the German states together fell away. In their place provincial governments were set up which became the champions of contending parties.

   b) The decisive influence of Prussia on the determination of the national will had fallen off.

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c.) The Weimar Republic was an empire of discord and decay, lacking any internal cohesion. The differences within the population became ever wider, resulting in a latent state of civil war. The liberal conception of the state and the weak government permitted the activity of federalist and separatist trends which brought the threat of the Reich's dissolution dangerously near.

III. The Third Reich is a united Reich. The National Socialist leadership, laid the foundations for the unified German state of the future through the Reconstruction Law.

1. The National Socialist movement had united the German people. The partisan spirit and the class spirit, which characterized the Weimar system had disapeared. In their place a popular spirit of unity had come to life.

With satisfaction and pride the preamble to the Reconstruction Law could specify: "The plebescite and the Reichstag elections of 12 November 33 have proved that the German people is now, over and above all divisions and differences of internal policy, melted together into an indissoluble, spiritual unity"

2. On the united German people was built the unity of the Reich. The Reich cabinet having received confirmation that it had the suppert of the overwhelming majority of the German people took a further step forward and through the reconstruction law gave a united German Fatherland to the united German people.

2. General characteristics of the law.

The Reconstruction Law was not promulgated as a government law by the Reich cabinet, but was passed as a last law in accordance with the legislative rules provided by the Weimar constitution for constitutional changes.

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The law was unanimously passed on 30 January 1934 by the Reichstag the Second Chamber gave its unanimous approval on the same day; on the same day it was engrossed and proclaimed by the President of the Reich and on the same day it went into effect, in accordance with Art. 6.

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Reich Cabinet Doc.16

From: New Constitutional Law

by
Dr. Wilhelm Stuckart, Dr. Wilhelm Albrecht
Dr. Rolf Schiedermair
Leipzig 1939

Part 13[1] Pages 79, 80.

I. The Reich Regent Act.

A. General characteristics.

On the second anniversary of the seizure of power by National Socialism, a new Reich Regent Act (Reichsstatthaltergesetz) was issued. Under abrogation of the Second Adjustment Law (Gleichschaltungsgesetz) of 7 UV.(s 1933 it brought a sweeping reorganization of the office of the Reich Regent (Reichsstatthalter), which is adapted to the new conditions of constitutional law in Germany, resulting from the Reconstruction Law of 30 January 1934.

I. The Second Adjustment Law (Gleichschaltungsgesetz) of 7 April 1933 had, as has already been described in more detail above, the object of adjusting the Provinces politically to the Reich. The office of the Reich Regent, which was newly established through this law, was equipped with extensive constitutional authority.

II. The Reconstruction Law of 30 January 1934 relieved the office of the Reich Regent of its original importance. The Provinces had lost their individual state authority and thereby their right to an individual state leadership.

1. The provincial governments became subordinate authorities of the Reich Cabinet and as such were subordinated to the direct authority of the competent Reich Ministers. As the result thereof the adjustment task of the Reich Regents had lost its previous meaning.
2. The Reich Regents, unlike the provincial governments, were not subordinated to the specialist supervision of the competent Reich Ministers, but only to the

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specialist supervision of the Reich Minister of the Interior.

This difference in supervisory conditions did not completely preclude the possibility of conflicts between the Reich Regent and the provincial government, so that in the course of time a dualism between the Reich Regent and the provincial government could have arisen in the administrative leadership of the provinces.

III. The new Reich Regent Act of 30 January 1935 brings the office of the Reich Regent to a position of new and outstanding importance, and simultaneously removes the loopholes which had arisen through the Reconstruction Law.

1. The legal position of the Reich Regents was completely reorganized. The organization of the office of the Reich Regent, provided by the Second Readjustment Law, was taken over by the new law, in so far as it could be adapted to the reorganization. The Second Readjustment Law was thereby rendered superfluous, and was rescinded.

2. The key points of the reorganization, which represents an important step forward in the great Reich Reform of Germany, are:

a) The incorporation of the Reich Regent into the administrative apparatus in such a form that the Reich Regent on the one hand is a subordinate agency of the Reich Government and of the individual Reich Ministers, while on the other hand he, as a superior agency, has stepped to the head of the whole public administration of his jurisdiction. The Reich Regent has thereby achieved complete superiority over the provincial government, so that differences between the Reich Regent and the provincial government can no longer develop in future.

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b) The possibility of a combination of the office of Reich Regent with the provincial government in such a form that it will be left to the disposition of the Fuehrer and Reich Chancellor, to also entrust the Reich Regent simultaneously with the direction of the provincial government.

3. The special regulations for the province of Prussia remain in force.

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Reich Cabinet Doc. 17

From: German Reichsanzeiger
and Prussian Staatsanzeiger
of 30 January 1935 evening edition No.25.

Preamble to the German Municipal Regulations.

(Reich Legal Gazette. I S. 49)
General.

The self administration of German municipalities found itself, during the decade preceeding the assumption of power, in the midst of a bad and an increasing crisis. Together with the economic distress of the moment, the general decay of the liberal-democratic State became more and more evident, precisely in the sphere of municipal policy. Furthermore the legislator did not follow the complete regrouping of national and economic unity in the pattern of municipal administration; the democratic parliamentary foundation was again and again deflected, and its inadequacy rose step by step. These defects were less noticable in the golden age; the growing distress, particularly by its immediate effects on the citizens, cau it to become clear and perceptable.

Thus the new State took over the German municipalities in a condition of complete administrative and financial disorganisation. In Prussia alone more than 600 State Commissioners were appointed. A large number of cities could only with difficultly maintain their solvency by means of Reich and State help. Internal tension and contradictions made it still more impossi for the municipalities to balance their accounts. In accordance with its fundamentally affirmative attitude towards municipal self-administration, the National-Socialist State did not conclude from this situation the neces to suppress municipal self-administration, but undertook immediately, firs by a succession of individual measures, to regulate the method of administra tion and gradually to bring about the financial recovery of the municipaties For the first of these the Coordination Laws were invoked; which

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introduced new men into the municipal administrative offices, and thereby also introduced National-Socialist concepts into the administration of the municipalities, and the reestablishment of a purely professional Civil Service. The basis for the financial recovery of the municipalities was created by important measures for the suppression of unemployment and the restoration of industry, as well as by disentangling the municipalities from the particularly menacing danger of their short term loans. At the same time the separate German provinces tried to assimilate the structure of municipal administration to the basic idea of the new State leadership. Above all the Prussian law concerning the municipal system of 15 December 1933 dealt with every aspect of the question, and thereby prepared the ground for the unified rearrangement of the municipal system in the whole Reich. On the basis of the experiences so made in the provinces, the Reich now began to give to the German municipalities by a far reaching law, the final new basic conception of life in the new state.

The state-political meaning and import of the self-administration of the municipalities is confirmed: The lowest degree in public administration of nearest to the people, in the state, must come directly from the people itself. The accomplishment of local tasks on the personal responsibility of the municipalities, relying on trustworthy knowledge, prepared forces and the immediate interest of citizens in the local community, is considered the only possible rule; at the same time it liberates the State for other than local aims and duties necessary for the State. This organized local community should gain the action collaboration of all those who have grown up with it through historical connection attachment to the native soil and inner readiness,

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and thus in the true spirit of Reichsfreiherr vom Stein anchor the sense of state community deeply in the nation itself. Therefore the concept of the community as performer of the local duties, the basis of municipal self-administration and thereby adherent particularly to the preferably honorary administration as well as the fondamentally unlimited sphere of activity of the municipalities must be retained.

The injuries of the past show that reform is necessary in the following various directions:

1) by the reorganization of the form of administration of the municipalities, with particular consideration as to the position of the Party in the National-Socialist State,
2) by the closer incorporation of the municipality in the State as a whole,
3) by the stable organization of the municipal financial system,
4) by the regroupment of the municipalities or their concentration into efficient, closer units,
5) by securing the unity of local administration.

1. Form of administration of the municipalities.

Self-administration is not bound to rigid forms and concepts. It receives its character from the basic concept on which the state itself rests.

In the past, the essential characteristic of self administration did not lie in the creation of a self-responsible performer of local duties, nor in the honorary participation of the citizens in the administration, but incorrectly in the self-determination of the administration agencies by the votes of the citizens (inhabitants) and particularly such agencies as were composed of a majority of elected representatives, and who decided by ballot regarding municipal affairs. This was based on the liberal-democratic concept,

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which finally handed over to the German people a party economy replacing the state.

The new State is based on the unlimited responsibility of the leaders. It absolutely refuses institutions of a parliamentary democratic character, which blot out or crate the responsibility of the individual. "Authority downwards and unlimited responsibility upwards" is the basis of the National Socialist State.

If the municipalities are not to be an extraneous substance in the state organism, already for reasons of logical sequence the leadership principle must be embodied. And also, apart from this there are the following reasons: In the municipalities, especially in the cities in more palpable form than elsewhere there comes to light, in connection with the damages due to the number of casualties, and starting from the selection of administrative agencies duly elected, up to the resolutions which were often influenced in a decisive manner by escape from responsibility, party compromises even partly corruption. In the long run, it is indispensible to bring about a fundamental change here. In the two years since the assumption of power, the advantage of the form of administration on the leadership principle, have been proved. It alone guarantees a close, uniform, energetic and rigid administration, and clearly points out the responsibility.

The legal results of the leadership principle are, cultivation of the will and fulfilment (leadership and execution) are under one authority, and that therefore all the opposing municipal administration forms (one room system, two rooms system, Burgomasters system) are eliminated without exception. Hereby, however, the preferential honorary

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direction of affairs, nor also the cooperative element in the administratio i.e. the collaboration of the citizens are excluded. Both are recognized as of great value in self-administration. The participation of the citizens according to the system of the leadership principle is to be changed over to the self-responsibility of the head of the municipality. The citizens called for consultation do not as before face the head of the municipality as a private body of representatives with right of control, but are, excluding every dualism, in closest collaboration and with the same object in view.

The principle of the unlimited responsibility of the leadership of the municipality finds the necessary equalization

a) in the manner of the appointment of the leader,

b) in the control of the leader by the State,

c) in respect to his relation to the party,

d) to the citizenship.

To a): The full responsibility of the leader of the municipalities for the whole of their administration, the numerous duties that he must fulfil by order of the state, make necessary that his selection is to be made in close cooperation with the people called to self-administratic This is assured by a procedure in which Party, citizens and State co-operate in the appointment of the head of the municipality. It is thereby guaranteed that only such personalities are appointed who have the confidence of Party and State as well as of the local community, and who are willing and are suitable to undertake the administration of the municipality in the National-Socialist spirit.

To b): The authority over subordinates essential to the leadership principle and

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responsibility to superiors suppress the control of the leader of the municipality from below. This task could thus not be transmitted to the municipal councils, but had to be transferred entirely to the state. Detailed statements under figure 2.

To c): The position of the municipalities as branches of the State demand that the principle contained in the constitution of the Reich, of unity of Party and State, also be expressed in the municipalities. The conception of municipal self-administration leads to this: The NSDAP as bearer of the State conception, represents the whole of the people. It bears in the eyes of the people a widespraad co-responsibility for all public happenings. It is therefore suitably incorporated in the administration of the municipalities, but the maintenance of the leadership principle intact in a manner legally determined in such a way that the responsibility of the leader of the municipality is not effaced.

The Party is called upon to act on two occasions, viz., in the summoning of the municipal agencies and for single particularly important administration matters.

The Party takes a decisive part in the appointing of the municipal councils, the advisers of the burgomasters from the circle of the citizens, are, without having to be confirmed by the Board of Control, appointed exclusively by the Delegates of the NSDAP. At the appointment of the leading municipal officers the Party exercises a farreaching influence. For the selection of the burgomasters and assistants the Delegate of the NSDAP. (in senior posts in principle after previous publication) makes up to three proposals.

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If the legally constituted state authorities declare themselves in agreement with one of these proposals, the municipality names the one so appointed. In this connection it must be pointed out that of the larger cities either the Reich Regent (Reichsstatthalter), and so the office which unites in one person one of the highest offices of the Party and of the State, or the Reich Minister of the Interior himself is competent.

The Leader of the Municipality, appointed through the confidence of the Party and the State has to bear the exclusive responsibility for the conduct of the administration. However, the deputy of the NSDAP is called in for two especially important decisions, namely, when issuing and altering/the chief statute which brings the constituion and administration of the municipality closer within the framework of the German municipal regualtion and establishes it for a longer time, as well as when services to the people and the state or to the municipality/are to be especially honored. Further intervention by the Deputy of the NSDAP has been renounced in order not to bring a dualism into the administration and so wipe out the Fuehrer principle and the responsibility of the Leader of the Municipality. The Deputy of the NSDAP, however, is entitled to take part in the consultations of the Mayor with the Municipal Councillors when it is a question of matters in which the Law expressly allows him to cooperate; he would thus be able to form a direct opinion of his own.

To d): The governing of the municipality by a single responsible person entails the danger in itself that the administration becomes farther removed from the people it is caring for, is alienated from it, and falls into a certain burocratic stiffness. The continual invigoration of the administration from without, however, is particularly indispensable in the municipality. Moreover, it is exactly one of the main objectives of self-government,

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to gain the cooperetion of all experienced men who are interested in the local community, to bring them together for service to the community, and thus to awaken and promote public spirit and love of homeland. For this the active cooperation of the citizens in the administration is necessary in every form which conforms with the idea of the Fuehrer's principle. Therefore, the continuous contact of the leader of the municipality and his deputies with all classes of the population must be assured by summoning deserving and experienced citizens to give their advice as Municipal Councillors and Legal Advisors. These advisors. These advisers are selected according to their national reliability, merits and professional knowledge. Both signify a fundamental departure from the past system: a board elected by majority of people whose opinions were only counted when voting should be eliminat the individual should express his opinion with the weight of his personality, his merits, and his professional knowledge on his own responsibility, without being bound by directives. The law demands the free responsible expression of opinion, in that it obligates the Municipal Councils and Legal Advisers to reveal their divergent ideas. This cooperation based on personality will contribute toward making the municipal post of honor a real service of honor again and thus make the cooperation of the citizens more fruitful than before.

The Municipal Councils are to be consulted in all important affairs of the municipality, also for filling the positions of the real office-holders of the municipality (the Mayor and his Deputy, the Legal Advisers). The Leader of the Municipality can never establish a budget regulation without consultation with the Municipal Council / He must likewise

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first submit his yearly accounts to the Municipal Council. They are to be thoroughly informed concerning the final result of the auditing, as well as the refusal of discharge by the Board of Control.

The Legal Advisers act on a specific administrative branch, especially in the administration of the municipality's own plants (Werke) consulting with and so replacing the former deputations and committees.

This co-operative element in the administration of the municipality is strengthened by the fact that the municipal order attaches great importance also on the honorary occupation of the positions of the leader of the municipality and his deputies, in so far as the extent and kind of the administrative affairs allow it.

Integration of the municipality into the State.

The municipalities are cells of the State. Their own life, therefore must be in harmony with the well-being of the State and the people as a whole.

With the change in form introduced by self-government the legislation of the past departed even farther from the fundamental idea of Baron von STEIN. Step by step the State became farther removed from the municipalities and finally restricted itself entirely to passing judgment on the legality of the municipalities' acts. Here also it laid restrictions upon itself through the concession of a most far reaching legal administrative protection of the municipalities' right of self-government, which compelled it to defend the legality of its own official procedure with respect to its constituent bodies in lingering lawsuits before administrative courts. He has not exerted any, or very weak, influence on the filling of

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municipal office holders' positions, although at the same time it was compel
because of the manifold interweaving of the self-government with the State
administration on the lowest levels, to provide these officials with the most
important national rights and duties. It therefore necessarily perceived th
the municipalities - proceeding from the idea of the state at that time, that th
preservation of individuality was the highest duty of the municipality - were
in open opposition to the aims of the state leadership, and even appeared be
the Constitutional Law Courts of the Reich as equal opponents in disputes
with the State about constitutional questions.

This is incompatible with the conception of the new State about a firm
and safe state leadership with the strongest emphasis of the pre-eminence of
the interests of the national community (Volksgemeinschaft) before any indi-
vidualistic special claims. It is, therefore, necessary to build the munici-
palities and their administration, so strongly into the state as a whole,
in the sense of the closest national unity, that a dispute, indeed any
conduct in opposition to the state, is absolutely out of the question in
connection with basic aims of the state leadership and in performance of all
German tasks. The new State does not thereby want to tie up in any way the right
personal life of the municipalities, or to paralyze municipal self-government
by state bureaucracy. In the new arrangement of the relationship of the
municipalities toward the State the latter will rather promote the free
development of the municipalities' power of decision and willingness to assum
responsibility within the framework of the law and its own efficiency, and
expressly makes this a duty of the supervisory authorities; in a given case,
however, it must be able to make the common interest, prevail.

From this results the adjustment provided for by the Law.

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a) The activity of the municipalities must be consistent not only with the laws, but also with the aims of the State leadership.. The State will not regulate the self-government of the municipalities down to the smallest details. It can only disregard this, however, when the municipalities are subjected to the higher commandment of the identical administrative course to be followed by both the State and the municipalities. For this the law chooses the solemn wording, "in harmony with the aims of the State Leadership" in order to express that it must be a question not of trivial but of tangible or politically important matters when the State supervisory board wants to justify an encroachment into the self-government by alleging a violation of this commandment.

For the rest, it remains established that the acts of the municipalities in both a positive and a negative way must be in harmony with the laws

In any case, however, it must never be necessary for the State to have to apply to the Administration Courts for justification of its official encroachments into legal matters of its constituent bodies. Therefore, the superior authority, in the last analysis the supreme supervisory authority, is to decide whether a supervisory authority has had the right to interfere with the self-government of a municipality for the restoration of harmony with the laws and aims of the State Leadership.

b) That the State cannot renounce its claim to the decisive influence on the filling of the positions of leading municipal office holders has already been set forth above.

c) With the indissoluble unity of the finances of the Reich with the finances of its constituent bodies, the State considers it indispensable to establish the economic leadership of the municipalities

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on such a strongly unified foundation that no danger can arise from this either for the municipality or for the State as a whole. Only in this way can the damage of the past be overcome and prevented in the future. With regard to details, reference is made to the more thorough statements under Fig. 3.

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Reich Cabinet Doc. 18

From: Reich Legal Gazette Part I

No. 13 dated 3 February 1934 P. 81

First ordinance on the Reconstruction of the Reich.

dated 2 February 1934.

By virtue of Article 5 of the Reich Reconstruction Act dated 30 January 1934 (Reich Legal Gazette I Page 75), it is hereby ordained:

Paragraph 1

Observance of the sovereign rights transferred from the individual Provinces to the Reich is to be made executory by the Provincial authorities on behalf and in the name of the Reich in the measure in which the Reich does not in general or in particular habitually make use of such rights.

Paragraph 2

The Chief Provincial authorities shall execute the ordinances of the competent Reich Minister within their respective spheres of duty.

The Reich Minister of the Interior

FRICK

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(Page 74 of original)
Reich Cabinet Doc. 19.

From: Pfundtner - Neubert

The new German Reich Law

I RV IIa 10 Transfer of

Jurisdiction to the Reich.

Second Law for the Transfer of Jurisdiction

to the Reich

of 5 December 1934 (Reich Legal Gazette. I.S.1214)

Introduction.

The "federalization" of the judiciary system, i.e. the incorporation of the judicial system of the Reich and that of the provinces into one uniform Reich judicial system, originates from the wish to and serves the purpose of removing the barriers for the judicial system which, after the historical development of the German Reich, have been erected by means of the frontiers between the provinces. It is true that the legislation of the Reich, according to the competence given to it, has uniformly regulated the principal fields of the material and the Criminal Code and has established a uniform judicial system which now constitutes a particularly valuable basis for all work of unification. In spite of this, however, the judicial system in Germany shows differences which are considered hampering by those who are seeking justice, or which obstruct the required uniform direction. Just how extensive these differences really are is already shown by the fact that the Introductory Law to the Civil Code contains approximately 100 provisos for provincial law; this legal variance however, does not only confront us in the form of the present 16 provinces, but these also incorporate in themselves territories with varied jurisdiction, and furthermore they are frequently territorially divided into numerous provincial sections, so that the existence of territories next door to each other with different legal systems is still multiplied.

The establishment of uniformity will have the result that legislation and its execution will not, as before, be

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divided between the Reich and the provinces, but will be combined under one administration. The result will be that in the administration of justice, the law which is to be applied, and the legal institutions, as, for example the land-register-, the notary-, and the court-bailiff-system will no longer be unnecessarily hampered by a varied form of legal and economic life; furthermore, in the circuits many lines of demarcation only comprehensible from a historical point of view will be able to be corrected according to the present requirements. The federalization will effect the administration of justice in that no more unsurmountable chasms will exist between the status of judicial personnel, that it will no longer require diplomatic negotiations, if an official wishes to be transferred from Hamburg to Altona or from Mannheim to Ludwigshafen; in the course of time saving and increased simplification will also be attainable. The uniform legal system is

- and that is not the least importanteto form the framework for the activity of the new German judge and protector of the law, whose training in the spirit of the Third Reich is one of the noblest and most important tasks. In this respect the aim is not a uniformity which makes everything equal; where the old property rights of the native population are embodied in the material provincial law, it will have to be preserved.

The federalization of justice has in the post-war period become the subject of frequent discussions; in spite of numerous supporters of the idea, however, positive measures were not achieved. Only indirectly did the considerations serve the idea of federalization, to give financial assistance to the needy provinces by transferring their judicial administration to the Reich. Nothing, however, was achieved here beyond negotiations with one single province. It was only the constitutional-political development, which began with the national recovery, which led to action; with the rights of sovereignty of the provinces the sovereign -

H0811-0050

ty of justice was also transferred to the Reich (Law concerning the Reconstruction of the Reich of 30 January 1934, reprinted under I a 14 Page 1 of this collection; the provincial judicial administrations became deputy administrations of the Reich, and their chiefs became subordinated to the Reich Minister of Justice (First Decree concerning the Reconstruction of the Reich of 2 February 1934, reprinted as a copy under I a 14 Page 5 of this collection). Herewith the legal basis for the federalization of the legal system had been established; its execution began. Several days later- on 12 February-1934 the Reich Minister of Justice assembled the chiefs of the provincial judicial administrations in Dresden and described their next tasks to them: for the establishment of a uniform judicial system the judiciary systems of the provinces must be assembled and reviewed; furthermore, suggestions from the provincial judicial administrations for the reorganization were requested.

On 16 February 1934 the First Law for the transfer of the administration of Justice to the Reich was announced (see above, Page 1). It draws the most important conclusions from the new position regarding Constitutional Law: verdicts of the provincial courts in the name of the German people, right of the Reich President to grant pardons, amnesties in future only by Reich Law, freedom of the attorneys to choose their domicile, freedom to choose the place for the safekeeping of legal documents. The Reich Minister of Justice was furthermore granted the authority to make all decisions which become necessary through the transfer of the legal sovereignty to the Reich; with this decision an exception from the rule is made which authorized the Reich Minister of the Interior to issue Enactment Decrees for the transfer of the rights of sovereignty to the Reich. (Reconstruction Law, Article 5.)

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Reich Cabinet, doc. 21.

From: Documents of German Policy, Vol. 2

The Construction of the German Fuehrer State

The year 1934

p. 33

The official results of the popular vote

on 19 August 1934.

Number of authorized voters	45 473 635	%
Overall participation in the election .	43 529 710	95,7
Invalidated votes	872 296	2,0
Valid votes	42 657 414	98,0
Votes in the affirmative	38 362 760	89,9
Votes in the negative	4 294 654	10,1

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(Page 79 of original)

Reich Cabinet Doc: 22

From: Reich Legal Gazette, Part 1
No. 116 of 17 October 1934
Page 973

Law of 16 October 1934 on the oath of Reich Ministers and members of the Provincial Governments.

The Reich Cabinet has enacted the following law which is herewith proclaimed:

Art. 1

Art. 3, part 1 of the law of 27 March 1930 on the legal relation of the Reich Chancellor and the Reich Ministers (Reich Minister Law) (Reich Legal Gazette I p. 96) in the wording of the law of 17 October 1933 (Reich Legal Gazette I p. 741) shall have the following wording:

The Reich Ministers, on taking office, will take the following oath before the Fuehrer and Chancellor:

> "I swear: I shall be loyal and obedient to the Fuehrer of the German Reich and people, spend my strength for the welfare of the German people, defend the laws and fulfil conscientiously the duties devolving upon me, and pursue my work impartially and with justice to all, so help me God".

Art. 2

The members of the Provincial Governments insofar as they are not Reichsministers simultaneously, take the same oath upon taking office before the Reichsstatthalter, in Prussia before the Fuehrer and Reichskanzler.

Art. 3

The Reich Ministers, Reichsstatthalter and members of the Provincial Governments are to be sworn in at once in agreement with Art. 1.

Berlin, 16 October 1934.

The Fuehrer and Reich Chancellor

ADOLF HITLER

The Reich Minister of the Interior

FRICK

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(Page 80 of original)

Reich Cabinet Doc. 22

Reich Legal Gazette Part 1
No. 9 of 27 January 1937
p. 66, 67

German Law for Civil Servants
of 26 January 1937
(DBG)

Part XIII
Reich Minister

Art. 156

(1) The Reich Ministers are to be nominated by the Fuehrer and Reich Chancellor; they stand in a public-legal official relation to the Fuehrer and to the Reich.

Art. 157

(1) The Reich Ministers take, on assuming office, the following oath before the Fuehrer and Reich Chancellor:

"I swear: I shall be loyal and obedient to the Fuehrer of the German Reich and people, spend my strength, for the well-being of the German people, defend the laws, fulfil conscientiously the duties devolving upon me, and pursue my work impartially and with justice to all, so help me God".

Art. 161

The Reich Ministers can, at any time, be dismissed by the Fuehrer and Chancellor. A disciplinary procedure against them will not take place.

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Reich Cabinet Doc. 24.

From: The Structure of the German Reich.
Systematically Presented.
(New Legal State Law III)
Leipzig 1943, Number 134, p. 92, 93,

The representative of legislation after the seizure of power.

In National Socialist Germany the Fuehrer is the sole representative of legislative power. This development has been accomplished in such a way that, at first, by power of attorney of 23 March 1933, the Reich Cabinet obtained authority to issue decrees and then, the Reich Government and the Reichstag, which kept its legislative power besides the Reich Cabinet, were, in the course of the National Socialist revolution, transformed into deliberate organs in which orders for making legislation were given by the Fuehrer.

I. The legislative bodies exercise power derived from the Fuehrer's legislative power.

1) The Fuehrer gives legislative orders in the Reich Cabinet. Voting does not take place in it. The Reich Government contributed only as a deliberate organ in the preparations and the issuing of the orders.

II. It is in the judgment of the Fuehrer to decide which organ he wishes to become active in legislation.

1) The laws will be issued regularly by the Reich Government.

2) The Reichstag will then function as legislator when the importance of the legislation in question is intended to be specially emphasized. For this reason the Nuernberg decrees have been issued by the Reichstag.

3) The people of the Reich will be called upon as legislators when the laws refer to the fundamental question which concern the entire people. Thus the people have voted

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on the formation of the Greater German Reich.

III. The Fuehrer as representative of legislative power can also issue laws without interpolation of the legislative organs. These acts of legislation are called Fuehrer decrees (Fuehrer orders).

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Reich Cabinet Doc. 25.

From: The Structure of the German Reich systematically presented.

(New State Law III)

By Dr. Wilhelm Stuckart, Dr. Harry v. Rosen-v.Roewel, Dr. Rudolf Schiedemair.

Leipzig 1943, No 134, p.81,82.

The Reich Cabinet of National Socialist Germany is a deliberative body of the Supreme Fuehrer with a sole decisive head. Its changed constitutional position in regard to the period of the regime has been brought about only partly by formal change of the existing regulations. On the whole it is a result of the law-creative National Socialist revolution.

1. The Fuehrer is the head of the Reich Cabinet. He is the official Chief of the Reich Ministers whom he appoints and dismisses at his own discretion. The Reich Ministers stand in a public-legal official relation to him and will swear allegiance to him.
   The form of oath binds the Reich Ministers to loyalty and obedience to the Fuehrer and subordiantes them unconditionally to him. Therefore, the Fuehrer has the right not only to determine the general line of policy but can render a decision on any matter he chooses to take from the official sphere of each Reich Minister.
2. The decisions of the Reich Cabinet will be made by the Fuehrer after hearing the Reich Ministers. There will therefore, be no voting in the Reich Cabinet. Thus, the National Socialist Fuehrer principle in the Reich Cabinet has been realized to its full extent.
3. The Reich Cabinet is not responsible to any other institution. The dependance of the Reich Cabinet on the Reichstag has

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ceased after its transformation into the Fuehrer Council. Instead, the Reich Ministers in their administration have become responsible to the Fuehrer. The Fuehrer himself is only responsible to his people. Thus, all the prerequisites are given for a permanent and long-ranged Reich policy.

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From: New State Legislation I

The New State Structure

by

Dr.Wilhelm Stuckart, Dr.Rolf Schiedermair
Leipzig 1943

Book 13[1] Pages 20, 21.

III. The Reformation of the Professional Civil Service.

A. General.

I. The multi-party domination of the Weimar System had produced permicious effects, particularly on the German civil service. It was a natural consequence of the multi-party system that the parties should have been intent on gaining influence on the civil service machine.

1. Exploiting their privileged position, the Government parties insisted on having civil service positions filled by their own party members.

   The Government acceded to these demands and so it gradually came about that the whole civil service class was invaded by party people, regardless of their suitability, who influenced and supervised the conduct of official business down to local offices in accordance with party wishes.

2. The filling of civil service positions with party officials became ever more prevalent. Aliens and unqualified persons without any previous training or other qualification whatsoever obtained public offices in great numbers.

   Beside this, a particular evil was represented by the opportunism of party member officials, who joined influential parties, not from inward conviction, but merely to obtain professional advantages and especially advancement.

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3. In this way, whole sections of the German Civil Service class gradually lost the traditional spirit of impartial and unselfish service which had distinguished it since the time of Frederic William I and made it an example to the whole world.

II. National Socialism favors the maintenance of the professional civil service class. It was established from the first that in the National Socialist Reich also, official State and administrative affairs are to be handled by professionally trained persons holding a perpetual office by virtue of public law.

As a result, it was necessary for the Reich Government to free the German Civil Service class, which had remained sound in its inner core, of the rubbish of the Weimar System and to place it upon a new foundation in keeping with the National Socialist concept of the State. In fulfilment of this task, the Reich Government has enacted the Civil Service Reform Act of 1 April 1933.

1. The main purpose of the law with its innovations and executory decrees was the purging of the German Civil service class by the elimination of unworthy and unsuitable elements. The simplification of public service was sought for as secondary objective.

The law had only a temporary character in its main specifications. It is merely a question of a single but thorough-going purging operation.

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From: Deutscher Reichsanzeiger
and Preussischer Staatsanzeiger
No. 23 of 28 January 1937, evening edition.

Preamble to German Civil Service Law of 26 January 1937 Part: General

Since years of laborious endeavours had failed to bring about a civil service law commensurate with conditions as they changed in the course of time, the National Socialist State Leadership considered it a foremost task to review not only the right of Reich civil servants but also to define the legal position of all German officials uniformly and in the light of the requirements of the National Socialist State.

The law governing the reestablishment of the civil service as a profession, dated 7 April 1933, signifies a first step along that path, in that it created the possibility of eliminating from the civil service all such persons who did not appear qualified to serve the tasks of the new State with the necessary honest conviction.

The law amending the regulations pertaining to the general law concerning the salary and pensions of officials dated 30 June 1933, then opened the way for the creation of a new civil service body for the future, in harmony with the spirit of the National-Socialist State, and laid the foundation for the uniformity of the rights of the German civil servant, in that the rules decreed for Reich civil servants were also declared binding for the remainder of German civil servants.

After these laws have been applied for more than three years and after the Reich reform has progressed further, the time has now come to promulgate a law which include all German civil servants uniformly and which finally regulates the legal rights of the civil service in the National Socialist State. Loyalty in the fulfilment of duty is the foremost demand in the National Socialist State for every racial comrade, but particularly for him who devotes himself directly to the service of the State. In contradiction to the structure of the old civil service law, and after some comments dealing with the distinguishing marks of officialdom, followed by a brief description of the organizational structure, it immediately turns to the duties which will rest on the German civil servant. After this description of duties the results of failure towards such duties are defined. Then only follow the regulations dealing with the establishment of civil service conditions. He who wishes to become a civil servant must first of all know whether or not he is willing and able to fulfil the duties arising by reason of his civil service status; only after he has answered that question in the affirmative is it of interest to him as to how he is to become a civil servant, and what his legal positions as a civil servant will be. That is why regulations pertaining to the appointment are immediately followed by those which cover the civil servant's position according to the law affecting public bodies and then follow regulations dealing with the termination of the civil service status. Then follow regulations covering the rights to benefits, including the Civil Servant Law regulating compensation in case of accident, and a series of special provisions.

By reason of that law, National Socialism recognizes civil servants as a professional group. It takes this institution over because it sees in it an official body imbued with the ideology of National Socialism bound in loyalty to the Fuehrer, a body which considers service to the State a life long calling, the foundation for a well-orderd State stewardship. The civil servant is not only a servant of the State and of the people, he also is expected to be a servant of the National-Socialist conception which supports the State,

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and of the National-Socialist German Workers Party (NSDAP) which, together with the State, constitutes one unit. The position of the civil servant towards the Fuehrer and the Reich is determined by the law affecting public bodies, expressed in his service status and loyalty. His oath of loyalty pledges the civil servant to loyalty and obedience to the Fuehrer personally; he pledges himself to due respect for the law and to conscientious fulfilment of his duties as a civil servant. He is expected to be loyal to the Fuehrer until death. Though the duty of service may change - thus changing his civil servant status-yet his loyalty must never cease. That thought finds its expression in the fact that even the civil servant in retirement may lose his benefits should he commit disloyal acts. Even a civil servant in retirement - if he indulges in activity inimical to the State, if he violates his pledge of secrecy as regards official matters, or should he accept presents by virtue of his former office without first obtaining permission, - is liable to disciplinary action; he may be deprived of his right to retirement pension or experience curtailment of same. Should he, because of an action committed after his retirement, be sentenced to capital punishment - because of high treason or treason to his country or because he committed any other kind of deed subject to capital punishment, - or should he be sentenced to penal servitude because of another act of high treason or treason to his country deliveratedly committed, he automatically loses all right to retirement pension and beneficiary rights; he will also forfeit what outwardly distinguishes his status as a civil servant in retirement (Art.132); this same pledge to loyalty to apply even to the beneficiaries of a civil servant drawing revenue from the State under the beneficiary provisions by reason of a relative in the civil service. Should they violate their pledge of loyalty they lose their right as beneficiaries under benefit provisions (Art. 133, para. 1 No. 3).

The decisions of greatest importance for the civil servant are made by the Fuehrer. He appoints him (Art.24); he determines office designations and uniforms (Art.37,20); he transfers him to semi-retirement status (pensioned off temporarily) (Art.44); he discharges him and places him on the retired list (Art. 66, 71, 78). As regards consequences arising under civil service law, from a penal conviction, he has the right to clemency for all government officials (Art. 54, 132, 133, para. 1, No. 3).

The civil servant must be imbued with the National-Socialist spirit; he must at all times defend the cause of the National-Socialist State and in his entire conduct his guiding thought must be that the National Socialist German Workers' Party is indissolubly linked with the people as the representative of the German State concept. The same duty which is incumbent upon him as a servant of the State - to protect the State against danger - is also incumbent upon him towards the National-Socialist German Workers' Party, since State and Party are one. He is thus bound to inform his superiors in office of developments which are detrimental to the existence of the Reich and of the National Socialist German Workers' Party, even though they may not have come to his attention by reason of his office (Art. 3, para. 2).

Inner cohesion of the civil servant with the Party is a prerequisite for his appointment. He only is eligible to become a civil servant who, in addition to his qualification for the office, pledges his readiness to defend the cause of the National-Socialist State at all times, because the civil servant is expected to be the executor of the will of the State supported by the National-Socialist German Workers' Party. He who serves the State in loyalty, serves the nation in loyalty as it has become one within National-Socialism.

He who has been excluded or expelled from the Party and fails to bring it to the attention of the Government agency which is to make the appointment, cannot be a civil servant; any appointment made under similar conditions must therefore be declared void (Art. 32, para. 2, No. 3). If an investigation-instituted in behalf of a civil servant as a result of observations made in his conduct, discloses that he no longer justifies the expectation of defending the National Socialist State at all times cannot remain a civil servant.

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the Fuehrer and the Reich Chancellor may at any time place him on the retired list (Art. 71).

In order to assure cooperation between public government agencies and Party offices with as little friction as possible, the law makes in various ways provision for the cooperation of the Deputy of the Fuehrer; he will have a voice in appointing certain groups of civil servants, as provided for by a Fuehrer Decree (Art. 31). He will collaborate in the exceptional appointment of persons not of German race or of a race similar to it, or in whose case husband or wife are not of German or similar blood or who are half Jews to the second degree (Art. 25, para. 3) also in cases where a civil servant wishes to marry a person of that category to whom he was engaged (Art. 25, para. 3). Civil servants who are senior officials of the NSDAP can be transferred only after having obtained his approval (Art. 35, para. 3); the group of these senior officials of the NSDAP is described in detail in Art. 35, para. 3.

Full-time service in an office of the Party or in any of its organizations is equivalent to holding a public office. Time spent on such activity can be counted as service entitling to pension (Art 85, para. 1, No. 1). To a certain extent this also applies to the period during which a civil servant occupied a part-time position in the Party or its organizations before 30 January 1933 (Art. 179, para. 8). No authorization from a superior in office will be required if a person wishes to take over a Party office without drawing a salary (Art. 11, para 2).

All these regulations reflect the uniformity between the State and the Party and the close relation between the civil servant and the Fuehrer and the Party.

The National Socialist State is a Fuehrer State. All power within the State derives from the Fuehrer and Reich Chancellor. He appoints the Reich Ministers and they work by reason of his confidence in them. They are responsible to him for handling the administration according to National-Socialist principles. Just as the civil servant is pledged to obedience to the Fuehrer, obedience in equal measure is due towards all Ministers appointed by the Fuehrer and all persons appointed as his superiors by the Fuehrer or by agencies which he designates. Obedience and secrecy with regard to office matters are essential fundamentals for preserving discipline among civil servants. Instructions needed to carry out his functions can be obtained by the civil servant only from his superiors or from official agencies otherwise qualified to issue instructions. This duty of obedience on the part of the civil servant will have precedence over any other kind of obedience. Duty of obedience made by him as a member of the National Socialist German Workers' Party must also be subordinated to the pledge to obedience towards his superiors in office, and to their instructions relative to official matters (Art. 7, para. 3). Nor is the civil servant who is a member of the German-Socialist Workers' Party permitted to carry out instructions received from Party superiors if they are in contradiction to instructions given him by his office. The Fuehrer and Reich Chancellor will decide whether and to what extent it is practical to summon before a Party Court a civil servant who is a member of the National Socialist German Workers' Party (Art. 7, para. 4)

The duty of obedience towards the State and his superiors, which has precedence over any other kind of obedience, also covers the civil servant's duty to be secretive about all matters pertaining to his office, even as regards Party offices, should they ask the civil servant for information on a matter in regard to which he is pledged to secrecy by reason of the law or of official instructions

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or on account of the nature of the matter involved (art.8, para.1). The regulation which provides that without permission he is not to make statements before a Court, or to make other declarations applies also to declarations before Party Courts and Party offices. Should a Party offi consider information on such matters as indispensable, the request must be made not to the civil servant but to the Government agency which is t civil servant's employer.

Also in instances when the civil servant thinks he notices inciden in connection with his official duties which would appear detrimental to the National Socialist German Workers' Party, he willnot be entitled approach the Party agencies with such observations. His conduct in such a case is set forth in Art. 42, para. 2. As it concerns official inciden his official superiors must be the first to give their opinion. If desir the latter will be expected to remedy the situation. In that respect th civil servant's duty of official secrecy is amplified. Should the civil servant impart knowledge of such happenings to agencies other than provi under art. 42, para. 2, he violates his pledge to obedience and official secrecy, and becomes subject to disciplinary action.

It is the civil servant's duty to show genuine love for the Father, land and readiness for sacrifice; to serve the State with all his energ to be obedient towards his superiors and sociable with his fellow-worker The duty of comradeship exists not only between co-workers of equal stat it is to be practiced also by the superior towards his subordinates and by them towards the superior. Notwithstanding the system of superiors and subordinates in accordance with the demands of the service, comrade- ship nevertheless means that every civil servant is a co-worker and a racial comrade and he should be approached in that spirit; treat him as comrade who works for the same goal, for the welfare of the people and o the Fatherland. It is not what the civil servant does that counts, but the manner in which he does it. National-Socialist concepts do not recognise the cast spirit and pride of place. The official who lacks this spirit of comradeship is liable to be subjected to disciplinary proceedings.

The civil servant is bound to do everything which will help to protect the Reich, his superior and the Party, and he must fulfil his official duties conscientiously. He must also show himself worthy of th confidence which his profession commands outside of his official duties.

The civil servant must apply his energy in fullest measure to the service for the State, and should conditions so require he must also be willing to work overtime (art.16); he must only do part-time work, accep remuneration and presents (art.15) with the approval of his superiors in office. He cannot remain absent from duty without permission (art.17); if so stipulated he must not leave his place of domicile (art.18) and he must occupy such living quarters as will be most convenient for office requirements (art.19). He is pledged to deal openly and with confidence with his superiors (art.42, para.1); this to include veracity in regard to all official reports and information; complaints and petitions should be handled through prescribed channels.

The State of which the Fuehrer is the representative assures a position for life to the civil servant who is loyal and conscientious i the discharge of his duties (art.1, para. 3; art. 3, para.1); it offers him care and protection in the discharge of his official duties and in h position as a civil servant (art.36). The civil servant, however, who does not carry out his duties, or not fully, must be prepared for punish- ment prejudice.

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In the event of violation of his duties within or outside the service, the civil servant becomes liable to punishment. The type of punishment and the process of such penal procedure are laid down in the Civil Service Penal Code (Art.22, para.2).

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From: German Justice

1934 96th Year Page 595-598.

Law for the Changing of Regulations of the Criminal Law Code and the Criminal Procedure of 24 April 1934 (Reich Law Code I Page 541). Official basis (RJM.No.II r 1266). - German Justice Page 595 -

The penal regulations against high treason, state treason, and the divulging of military secrets have repeatedly been made severer. In the past year ** in particular legal changes have been introduced which make for the strengthening of the state idea and help evaluate, those crimes against the public community prevalent in the new Reich. In this respect the regulations have become too bulky because of diversity of legal sources. The valid law in the field of high treason and state treason is at present to be found in the Criminal Law Code and the Supplement of 26 May 1933, i.e. in the law against betraying military secrets, in the decrees of the Reich President for the Protection of People and State of 28 February 1933, and the law against betraying the German people and high-treason activities of 28 February 1933, and in the law for the maintainence of legal peace of 13 October 1933. The regulations about the criminal prosecution in matters of high- and state-treason and about the competence of the courts have also been supplemented in several instances to adjust them to the practical requirements. They are found next to the order of criminal proceedings and the court constitutional law in the decrees of the Reich President against treason on the German people and high-treason activities of 28 February 1933 and for the expedition of the proceedings in cases of high-treason and state-treason of 18 March 1933. The bulkiness which arose in this way requires improvement especially with regard to the practical use of the regulations by the numerous authorities responsible for the defense against high-treason and state-treason.

As to content, the experiences gained in combatting hostile acts against the state give us additional cause to make the criminal regulations and orders of procedure still more effective and to close loopholes which have arisen. In the field of procedure the establishment of the People's Court mentioned in Article III is of particular importance.

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Immediate attention must be given to the needs arising in these two directions, involving as they do important Reich interests. The discussions of these sections within the larger framework of the general reform of criminal law and of the criminal procedure have therefore not been awaited. They are also not to be anticipated by the law. The law has rather made it its sole task to adapt the valid criminal law code and the system of procedure for a partial field to the present practical requirements until the time of their abrogation by the new legal system.

To Article I.

New Wording of the Criminal Regulations about High- and State Treason.

To make the regulations lucid a rewording is necessary of the first paragraph in the second part of

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the criminal code (high- and state treason) divided into two independent paragraphs and incorporating the espionage-law, the previously-mentioned decrees of 28 February 1933, and several regulations from the law for the guaranteeing of legal peace.

Changes in the contents consist for the most part in the increased severity of the threats of punishment in important cases. The threat of punishment is furthermore rendered more effective through the fact that the attempted crime is considered equal to its perpetration. Severe punishment in these cases will in the future be threatened even for undertaking the crime. This regulation had already been met by the previous law for high treason. The basic thought involved here also applies for crimes of state-treason. The welfare of the national community requires full protection even to the danger of contemplated crime. Also the thought of atonement demands that in evaluating the punishment the sense of danger and the will to combat it should be decisive, and not the result of the damage done, which is as a rule, beyond the control of the perpetrator and which can be proved only by chance.

To the First Paragraph.

High treason

To Article 80.

High Treason against Territory of the Reich and the Constitution of the Reich.

The regulation unites the facts of Article 81 of the Criminal Law Code with the intensified penalties of Article 5, Paragraph 2 of the first decree of 28 February 1933. The concept "by force" in the previous law had given rise to various interpretations. It is understood, that high treason can be committed not only by the display of force but also by the mere threat of its use.

Here, like in other provisions of the draft, the countries are, in accordance with the reconstruction of the Reich, no longer treated as independent units subject to attack.

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To Article 81.

High Treason by Force.

The attempt to use force upon the Reich President or the Reich Chancellor or any other member of the Reich Government in the execution of their constitutional duties, will in may cases already constitute treason against the constitution of the Reich according to Article 80. Even in the case where this presupposition does not exist, force against the highest representatives of the Reich authority is declared a case of high treason subject with severe penalty.

To Article 82.

Intent to Commit High Treason.

In accordance with the previous law (Articles 83, 84 of the Criminal Code) this regulation distinguishes several particularly severe cases from the group of preparatory actions for high treason. Whereas other acts of high treason, also those of the preparatory actions, do not call for milder treatment in cases of desisting from the attempt, acquittance is provided for the cases of collusion, when the perpetrator has not only given up his attempt, but beyond this has also prevented

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the criminal attempt. If an attempt at high treason has already progressed to the point of collusion, then the interests of the state require that for the prevention of the crime the motive as well, which should mitigate penalty, must also be utilized. Whoever shows active remorse in the case of collusion, should therefore remain unpunished from the standpoint of preparing the case of high treason.

To Article 83.

Incitement to and Preparations for High Treason.

Whereas the previous law for the preparation of high treason, with regard to the severity of the penalty, makes a sharp difference between cases of public incitement (Article 85 of the Criminal Law Code, prison sentence up to 10 years) and the remaining preparatory actions (Article 86 of the Criminal Law Code, Prison sentence up to 3 years), the proposed draft places these groups on an equal basis. With this a considerably higher frame of penalty than hitherto is provided for all actions even more distant preparatory ones. Especially those preparatory actions not specifically named in the law include, as the past few years have shown, the bulk of activities which serve revolution. They are not less dangerous than incitement to high treason. After the reorganization of the Reich, those extenuating circumstances have also been removed which could still be valid in the time of political turmoil.

In paragraph 3 some particularly dangerous forms of preparations for a revolt are subject to a more severe penalty. These are the founding of high-treason organizations, the high-treason of disintegration, the high-treason mass propaganda, and the high-treason activity which is carried on from abroad or by the utilization of foreign propaganda material. Together with the last group the cases of Article 1 Pargraph 1, Nos. 3 and 4 of the law for the guaranteeing of the legal peace are incorparated

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into the Criminal law Code.

To Article 84.

Less Severe Cases.

It is permissible in less severe cases, to descend to a lower than the ordinary frame of punishment. The possibility provided in the previous law to sentence people to confinement in a fortress is abolished.

To Article 85.

Negligent Distribution of High-Treason Literature.

The act of the negligent distribution of high-treason literature is dealt with by the 2nd Decree of 28 February 1933.

To Article 86.

Fines, Confiscations of Property, and Security Measures.

The previous law does not call for any fines with regard to property in the case of high treason. (The confiscation of property regulated in Article 93 of the Criminal law Code is only a temporary measure in order to arrest the perpetrator; it is therefore assigned to the proposed draft of penal procedure in criminal cases: See Article V No.3). In order to render the threats of punish-

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more severe,
ment/ the opportunity is given in every case of a high-treason crime to levy a fine of unlimited extent, and furthermore to order the confiscation of the property of the instigators and the main culprits. Besides the possibility of confinement in prison the loss of the right to hold an office and the privileges originating from public elections is also authorized to an unlimited extent. Police supervision previously lacking in high-treason cases is also provided in order to facilitate the counter-intelligence measures of the state.

To Article 86 a.

Confiscation and Disability.

The decree corresponds to the previous law (Article 86a of the Criminal Law Code, in the form of the decree of 6 October 1931.)

To Article 87.

Concept of the Undertaking .

The concept of the undertaking contemplates that besides the completion of the act there should be the attempt. The order corresponds to the interpretation which the concept was given in the verdict of the Reich Court with regard to high-treason.

To Article 90 f.

Treason against the People.

The unscrupulous manner of fighting which in the early days was often successfully used against the representatives, the supporters and organs of the new Reich, by trying to smear their reputation in spreading false news about them, has given cause to the punitive provisions of the decree of 21 March 1933, especially to Article 3. This decree as a special order cannot as yet be dispensed with. However, within the extensive framework of the regulation, the following needs to be emphasized in which false reports are spread publicly or by Germans abroad designed to inflict severe damage on the reputation of the entire

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German national community. Lie mongering of this sort is treason against the people itself, and is therefore as a case of state treason threatened with a jail sentence up to 15 years.

To Article III.

The People's Court.

To Article 1.

According to previous law the Reich Court is competent for trying cases of high-treason and state-treason. In individual cases the competence can be granted to the Senior Provincial Courts (Oberlandsgerichte by a resolution of conviction (Ueberweisungsbeschluss) of the Reich Court, or by a draft order of the Senior Reich Prosecutor (Oberreichsanwalt). This union of prosecution and verdict in a few of the higher courts will be maintained. The previously existing union in the Reich Court of first-instance verdicts,however, with the task of being the highest court of review and guardian of the uniformity of law within the Reich, is rescinded. Both tasks have their special functions and overlap only at a few points. For the first-instance activity which previously was the task of the Reich Court, therefore, a special court is being established. Besides members who are capable of holding office as judges, they include also such assessors,

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who possess over special experiences of a practical kind in the field of warding off attacks by enemies of the state.

To Article 2.

The order regulates the appointment of the members and their deputies

To Article 3.

The competence of the People's Court corresponds for the most part to the previous competence of the Reich Court. New inclusions are the state-treason offenses, (Articles 90 b – 90 e of the Criminal Law Code), violent actions against the Reich President and against members of the government constituting high treason in the manner and severity of the offense described in Article 94 of the Criminal Law Code and in Article 5 of the decree for the protection of people and state of 28 February 1933.

Since the People's Court is a special court, it requires the express rules of paragraphs 2 and 3 in order to extend its competence to related crimes.

To Article 4.

The number of criminal offenses subject to the competence of the People's Court is at present still too large for one single court to deal with. This particularly applies to the cases of Communist high-treason activity committed up to the year 1933 and which are yet to be tried. Therefore the possibility has been given as in the case of the previous regulation, to turn over proceedings of preparation for high treason and of state-treason activities to the Senior Provincial Courts (Oberlandsgerichte). The sentencing of state-treason crimes is solely reserved for the People's Court.

To Article 5.

The general orders of procedure apply to the People's Court, insofar as no specific procedure has been determined. Special orders are contained in Article IV, further deviations can be ordered by the Reich Minister of Justice on the basis of the authority given by Article X.

Paragraph 2 explains that the decisions of the People's Court are final.

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Reich Cabinet Doc. 31.

From: Schulthess' European Historical Calendar

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1934.

Page 168, 171, 185, 187, 169.

On 2 July Reich President von HINDENBURG sends the following telegram from NEUDECK to Reich Chancellor HITLER: "From the reports made to me I learn that you, by your determined raids, bravely risking your own person, have nipped in the bud all highly treasonable plots. You have saved the German people from grave danger. For this I convey to you my heartfelt thanks and my sincere appreciation. With best regards

signed von HINDENBURG."

3 July. Meeting and decisions of the Reich Cabinet.

Initiatory Reich Chancellor HITLER first reports in detail on the origin of the high treason and its suppression. Colonel-General von BLOMBERG, Reichminister for Defence, thanks the Fuehrer on behalf of the Reich Cabinet and the Armed Forces for his decisive and brave action by which he saved the German people from civil war. The Fuehrer, they continued, had shown himself a statesman and soldier of such magnitude as to awaken in this delicate hour in the hearts of all the members of the Reich Cabinet and the entire German people a solemn promise of accomplishment, devotion and loyalty.

The Reich Cabinet then approved of a decree on the measures of national self-defence.

Dr. GUERTNER, Reich Minister of Justice, stated in addition to this that the measures of self-defence, taken after the immediate outbreak of a treason against the country, had not only to be considered as a legal but also as a statesmanly duty.

13 July. Reich Chancellor HITLER before the Reichstag made a statement on the events of June 30th . . . . .

The expiation for these crimes was a severe and

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hard one. 19 higher SA leaders, 31 SA leaders and members of the SA were shot, also 3 SS leaders for participating in the conspiracy, 13 SA leaders and civilians, who attempted resisting arrest, had to die on this occasion. Three others committed suicide. 5 non-members of the SA who were, however, members of the party, were shot because of their participation. Finally 3 members of the SS, who were guilty of infamous maltreatment of prisoners in protective custody were shot. After the danger had been removed and the revolt apparently suppressed, the severest order to abstain from further reprisals was issued as early as Sunday 1 July to prevent political passion and indignation towards the others incriminated to fan into mob-law. Since Sunday night, 1 July, therefore, the situation has been restored to normal. A number of acts of violence, which have no connection with this action, will be handed over to the normal courts for sentence.

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After the Chancellor's speech Reichstag President GOERING began to speak. His statements were crowned with an unconditional avowal of allegiance to the Fuehrer. If today, he concluded, the Reichstag decides: "The Reichstag approves the declaration of the Reich Cabinet and thanks the Reich Chancellor for his energetic and decisive deliverance of the fatherland from civil war and chaos" , it would then be the expression of what today the entire people, every man and woman would declare.....

The resolution, read by the Reichstag President, was passed by the House under uproarious shouts of joy.....

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Special official Notices

of the German Judicatory.

No. 10

The supplementary Penal Laws of 28 June 1935 and official Preambles to these laws.

P. 27

1. Preamble

of the Penal Code Reform Act of 28 June 1935
(Reich Legal Gazette I P. 839)

The general renovation of the German penal code is being actively carried out. The final completion and putting into effect of the new penal code, the drawing of which cannot, in view of the importance and difficulty of the subject, brook any excessive haste, are not however possible in such a near future as to permit the postponement of the introduction of urgent law reform until then.

It is therefore precisely to avoid disturbing the quiet and conscientious work of the whole reform and to let it mature in peace that it has been once more resorted to supplementary legislation in order to settle a few pressing questions in advance.

The initial measures contained in the supplementary law are intended - apart from the regulations of Article 3 which have become imperative due to the institution of general military service - partly to remedy defects which have long been noticeable, partly to advance a step further the reform of the penal code by the anticipation of a few of the ideas to be enbodied in the future general reform laws, which can be considered clarified and guaranteed, and by amendment of the penal code in the spirit of the new State, in continuation of the progress made by the supplementary laws of 26 May and 24 November 1933 and 24 April 1934 and thus prepare the way for and facilitate the general reform now in the making.

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This last purpose is served in particular by the initial measures contained in Art.1 and 2 (judgment by due application of the penal code and prevention of unjust acquittals by the admission of decision by ballot) aiming at a more supple administration of justice, ensurance of material justice and greater security for the national community; the abolition of specific individual cases of injustice is served by the remainder of the initial measures contained in the draft.

Article 1.

Justice by due Application of the Penal Code.

The penal code in force only permits penalization of an offence when the penal character of such offence is explicably established by law. This legal maxim (nullum crimen sine lege) had such a basic value in liberal times that it was even entered in the Weimar Constitution. In the National Socialist penal code, it can no longer claim this importance. Indeed, according to the National Socialist concept, any obviously reprehensible intention must be punished regardless of whether the act exactly fits in with the letter of a penal regulation or not. Penal protection against criminal action must not be frustrated by any holes or gaps in the written law, through which the clever criminal will escape. The aim of the penal system must be, not the criminal's security against a just punishment but security of the national community against every form of criminal outrage.

It is therefore not enough to punish, as has been done hitherto, only if the law threatens punishment for the act committed, for the law will always remain an incomplete compilation of the offences that can be committed against public order and peace. Such is the complexity of life that the legislator cannot possibly survey and foresee every offensive method used by criminal elements against the national community. The judge must therefore be given the possibility, when issuing a verdict for an offence of overstepping the legal definition of the facts, and thereby become the intelligent ally of the legislator. True justice

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can only be achieved by meting due punishment to every injustice done to the national community. Thus the easing of the bonds which have hitherto attached the judge to the penal code must certainly not leave every door open to his arbitrary fancy. There is however no such danger, since the ideological unity now provided gives the judge a sure indication of the spirit in which he will have to make use of the ne authority vested in him. This ideological unity enables the judge to recognize public legal order and peace as the central source and basis of penal law and indeed of all law. As he has done hitherto, the judge will have to recognize the law as the primary and primordial criterion for his juridical arbitration but alongside the specific penal law there are other juridical sources: the sense of justice which is at the base of penal law (a fact which has perhaps been incompletely expressed) combined with sound common sense. Should then this sense of justice and sound common sense demand punishment in a case where the law is not directly applicable, the judge must henceforth be entitled to pronounce sentences in this case too.

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Article 2 consequently admits the overstepping of such limits.

1. if the principle of justice which is the basis of penal law fits the case in point in such a manner that the case demands punishment in virtue of this very principle and
2. if the act likewise deserves punishment according to sound common sense.

It must be especially born in mind in this respect that the particular principle of justice which is the basis of penal law often contains a limitation intended by the legislator. Overstepping of such limits is not permitted by Art.2. Such a limitation is the case when restriction of a juridical situation is determined, not by failure on the part of the legislator to foresee the totality of life's possibilities, but by the narrow limits he has, for State or criminal-political reasons, deliberately imposed upon such juridical situation, as is the case in some measure in Art.175 of the Penal Code where punishment is attendant solely upon homosexual intercourse between men. It would conflict equally with the express purpose of the law to disregard the age limits established by the provisions of Art.182 of the Penal Code. Definite age limits are regularly based upon the fact that the legislator wishes to give precedence to the safeguarding of the law before other considerations. Deliberately set limits will frequently have to be respected in the domain of penal by-laws in particular.

In the conclusion established by the draft against improper application, to the effect that the offence is likewise deserving of punishment according to sound common sense, it must be borne in mind that sound common sense need not absolutely coincide with the sentiment of the vast majority of citizens. Determination of coincidence with sound common sense is a work of valuation. Certain lax conceptions such as those formed for instance at the time of the currency devaluation cannot therefore even be considered as being in agreement with sound common sense if they must coincide with the conception of the

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majority. Should the judge, however, be convinced that an act not expressly declared by the law to be punishable does deserve punishment according to the fundamental principles of a penal law and sound common sense, then the act must be punished in conformity with Art.2, para.2 of the Bill according to the law, the fundamental principle of which fits the case or, if this fundamental principle is common to several laws, within the penal framework of the particular law whose fundamental principle best fits the case. By a special law modifying the code of procedure, it ensures, on the one hand, that the Criminal Justice authorities make full use of the new procedure to promote the triumph of justice, on the other hand that the danger of a disintegration of justice as a result of the new possibilities given to the judge in his judicial activity is averted.

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(Page 113 of original)
Reich Cabinet Document No. 35

From: Deutsche Justiz (German Justice)

1939, second half of the year

pages 1584, 1585

Official basis of the law amending the regulations of General Criminal Procedure, Criminal Procedure of the Armed Forces and the Penal Code, dated 16 September 1939 (RGBl. - Reichsgesetzblatt - Reich Law Gazette - I, page 1841). (RJM. 4100/1 - II a 2 1088) German Justice page 1584 -

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This law for general criminal procedure as well as for criminal procedure for the Armed Forces goes further than the previous law in that case can be reopened and a new ruling obtained after the conclusion of a case where a valid verdict has been rendered. It is true, that, in contradistinction to legally valid sentences reopening of a case offers certain assurances for the elimination of errors of fact. However, besides the area in which reopened cases are applied, there is a need in the administration of justice in general criminal procedure, as in criminal procedure of the Armed Forces to make possible new procedures and decisions as against valid sentences under certain conditions. After a valid verdict has been pronounced the renewal of main procedures must - in the interest of harmony and safety in the field of law - be confined to exceptional cases. The decision whether/path should/opened for recommencing main procedure by overruling a valid penal verdict must be reserved to the highest authorities in the State leadership. For that reason, the arguments of article 2 of the first paragraph of the law for the extension of the field of general law take sharp issue with valid verdicts. Such objection can be raised by the Chief Director of Public Prosecutions as the representative of the State leadership competent for general jurisdiction, namely, the Chief-Director of Public Prosecutions with the People's Court

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whenever verdicts of the People's Court are involved or verdicts pronounced by the Oberlandesgericht during the first phase of cases involving high treason; and otherwise by the Chief Director of Public Prosecutions in the Supreme Court of Justice (Reichsgericht). The protest is based on the hypothesis that because of grave doubts as to the correctness of the verdict the Chief Director of Public Prosecutions considers new proceedings and a new verdict necessary. It is intended that on the strength of such a protest a new decision is to be made by a special senate (Senat) which the Reichsgericht (Supreme Court of Justice) will establish or - in cases where the Chief Director of Public Prosecutions of the People's Court raises the protest - the People's Court. The composition of the special senate is to afford assurance that the Court which will make the decision shall enjoy the confidence of the Reich's Highest Officer of Justice to a high degree. The extraordinary protest is intended also to apply in the case of valid court verdicts which conclude the trial. Article 3 of the first paragraph also makes it possible for the Chief Director of Public Prosecutions to file his protest with the Special Criminal Division (besonderer Strafsenat) of the Reichsgericht at the opening of proceedings for a criminal offense.

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First Paragraph, article 2
Extraordinary Protest

Extraordinary Protest against Valid Verdicts.

An extraordinary protest can be raised against any valid verdict which comes within the purview of general justice. It can be raised only within one year after validity takes effect. The effect of the protest is that a new decision must be made in the case, and when made the valid verdict loses its validity.

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As provided in paragraphs 2, 3, the new main proceedings will be held before the Special Criminal Senate (Strafsenat) of the Reichgericht, and when verdicts of the People's Court are involved or verdicts by an Oberlandesgericht, acting as first instance in a case of high treason or treason - before the Special Criminal Senate of the People's Court.

Paragraph 4 provides that upon agreement between the Reich Minister of Justice and the Chief of the High Command of the Armed Forces the trial can be referred to judicial authorities of the Armed Forces after the extraordinary protest has been lodged and provided it is related to a criminal offense which comes under the jurisdiction of judicial authorities of the Armed Forces. By reason of such protest a new decision is made by the competent Senate of the Supreme Court Martial on the basis of paragraph 410 b of the military penal code (second paragraph, No. 4 of the law). Provisions such as covered by paragraph 1 dealing with interrelation of pending lawsuits are not a prerequisite for cases of Par. 1; and also possible in cases of criminal offense which come under military law have been concluded through a valid verdict.

Articles 4, 5

The Special Senate.

The Special Criminal Division of the Reichsgericht (Besondere Strafsenat) which on the basis of a protest must renew proceedings and give a new ruling, consists of the President of the Reich Supreme Court and four members, two of whom must be Senate Presidents or judges of the Reichsgericht. The Special Senate of the People's Court differs in composition in that aside from the President of the People's Court only one of the four members must be President of the Senate or serve as a judge with the People's Court. This corresponds to the panel which general provisions of the People's Court call for in main proceedings.

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The panel provided for in paragraphs 4, 5 is also competent for decisions outside of the scope of main proceedings.

Paragraph 6

Proceedings

For proceedings before the Special Senate, provisions in force for the main trial during its first phase will apply. By reason of the protest raised, the situation of the case will be reconstituted as it was at the opening of the main trial. However, if deemed necessary the Senate may deviate from the provisions covered by article 1, second sentence. Because of the standing of the Court which is to apply the provisions of the proceedings, a certain amount of latitude within that framework may with impunity be given it. It may seem fitting to make use of it in an instance where the verdict earlier announced has bearing only on several offenses covered by it and new presentation of evidence in regard to other offenses would appear superfluous.

Inasmuch as a protest invalidates a valid verdict, it automatically removes the basis for execution of a sentence or of a contemplated measure intended as a safeguard or an improvement. If the convicted person is in confinement as a result of the verdict it might be advisable to postpone release for some time if it should appear likely that he is soon to be committed for trial. In view of the foregoing, sec. 2 gives the Chief Prosecutor the right to have the person convicted held until the court has determined the imprisonment on remand.

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Paragraph 7

Extraordinary Protest against Valid Court Verdicts

The provision also permits an extraordinary protest against valid Court decisions which conclude a trial. Should the Court decide not to reopen the main proceedings or to release the defendant or should any other step conclude the trial the effect of such a decision, once it becomes valid, will be similar to a verdict. It must be possible to submit also such decisions for renewed examination through Special Court Senates.

The result of such an extraordinary protest as against a valid Court decision is that the Court decision is eliminated and that the Special Senate proceeds to render a new decision on the facts of the case which was the subject of the Court decision. Provisions of the proceedings, incorporating the decision, will be applied in conformity to the sense of paragraph 6.

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From: Pfundtner-Neubert
The New German Reich Law (Das neue Deutsche Reichrecht)

IV e Labor Law 1. p. 1

Law concerning factory representatives and industrial unions

of 4 Apr 33 (RGBl. I. p. 161)

Introduction

The factory representatives of the employees were already selected several years previously ; they accordingly no longer correspond to the composition and recruitment of the staff after the revolutionary events of rece times. A new selection, which could again make the Works Council into a tru mirror of the staff, will not always be feasible on account of the momenta excitement connected therewith. There is the possibility, therefore, for th authorities of the provinces and the Reich, to postpone for some time the choice now due. In the meantime, a completion of unified factory representa tives and the purging of such members, who are unsuitable on account of thei hostile attitude to the State or industry in this important sphere of activi must be effected. Art. I deals with this, while Art. II eliminated obstru to the cancelling of the work contracts of employees hostile to the State. Art. III and IV serve the purpose of by-passing the priority rights of the Trade Unions in benefit insurance and before the Labor Tribunal authorities. To Art. 2::1) A theoretical rejection of the existing State or of the prese economic form is of itself inadequate, but also a hostile attitude of such a nature which by its activity constitutes a threat to the State or its econo Membership in the Social Democratic Party or in one of the former Trade Unio does not in and of itself constitute proof of hostility to the State, not in the sense

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of Article I; in how far "hostility to economy" is to be detected in th: is doubtful. The nature of the industry must be considered, and in doubtful cases, e.g. in such industries which rely completely on the reliability and secrecy of its members.

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Reich Cabinet Document 39

From: PFUNDTNER-NEUBERT

The new German Reich Law

IV e Labor Laws 3. S. 1,2

Law regulating national labor

of 20 January 1934 (RGBl 1 p.45)

Introduction

The hitherto existing social system rested on the basic concept of an unbridgeable gap between capital and labor, between employer and employee. The organizations which had been created for the fostering of these contradictory interests, the so-called economic associations of employees and employers, were recognized by law as the upholders of the social system. The determination of working conditions was primeraly incumbent on them. The State limited its function to that of an intermediary in these conflicts. It intervened in the declaration of liability for arbitration only in so far as it was in the public interest to settle a labor dispute, but in other respects left it to the parties to settle their differences by means of labor disputes, strikes, lockouts, in the end at cost of the community. The overwhelming influence of the two opposing associations on the social life led to an impersonal collectivism which found a particularly strong expression in the fact that by overstressing the idea of wage tariff contracts, working conditions were in a general way established, not under the responsibility of the contractors in keeping with the possibilities and according to the necessities of each single enterprise, but were systematically unified and levelled. The associations thus stood between the single contractors and their delegate, often prevented the development of a closer personal relationship between employers and employees.

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For this reason the concept of an unbridgeable gap between employees and employers underlay as a logical consequence the plant regulations as laid down by the law on Works Councils, and consequently here also led to the organizing in the factories of the Works Councils into social adversaries of the employers. The support of the workers in the fulfilling of the aims of the industry, which also was the task of the Works Councils, gave place to the protecting of the common economic interests of the employees against the employers.

In opposition to this, the readjustment of the law proceeds from the basic idea of the bond of a common destiny also in the relations of the contractor with his collaborators. This common destiny finds its expression in the partnership of interests. The contractor as leader of the enterprise and the employees working in the plant are to be united by a common bond of fidelity, and again become the active upholders of the social system instead of the not immediately responsible associations. The settling of all questions arising out of the collaboration of the employer with his staff therefore remains firstly vested in the enterprise itself. In this way, in accordance with the principle of leadership, the decision has been entrusted to the contractor as the head of the undertaking.

In larger plants he is advised by confidential agents of the staff, who, with him and under his leadership, constitute the Works Council. A certain influence over the new elections of the confidential agents is reserved for the foreman of the National Socialist plant an organization which is the upholder of the National Socialist concept in the undertakings. The delegates have no longer to champion the special interests of the employees against the employer, as was formerly the task of the Works Council, but rather they constitute the monthpiece of the enterprise on the Works Council.

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The Works Council is in the first place called upon to advise the contractor in the drawing up of regulations concerning working conditions, in the organization of the plant and further has to cooperate in the settling of all difference within the undertaking.

With the transfer such extensive rights to the contractors, the State must of necessity assume the responsibility of seeing to it that the delegated rights are not used for the establishment of a despotic rule in the undertaking, but that on the contrary the relations between contractors and staff are ruled by the principles of justice and professional honour. Its Agents are the labor trustees and the Courts of Honour.

The labor trustee is the highest social political representative of the Reich Cabinet in his economic field. His competence is materially extended as compared with the Law on Labor Trustees of 19 May 1933. His main task, however, will still remain the supervision of the wage policy in his district. In the fulfilment of this task he may, at the request of the majority of a Works Council raise objections to the regulations of the undertaking, and on his own authority impose the necessary rules for the undertaking when the decision of the leader of the enterprise does not seem in accordance with the economic or social conditions of the enterprise. The trustee may further lay down directives for the establishing of regulations for the undertaking and stipulate single working contracts, and also in exceptional cases issue tariff regulations which are legally binding for the interested parties. The establishing of working regulations by the enterprise itself should however remain the rule, and a tariff regulation should only be resorted to when it becomes urgently necessary for the protection of the employees of a group of enterprises.

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The decrees of the Labour Trustee are under the protection of the jurisdiction of the criminals courts and Tribunals of Honour.

The trustees are assisted by a permanent advisory staff of specialists for the settling of questions of principle. He may further, for advice in particular cases, call together a board of experts. This is compulsorily prescribed before the issue of directives as to the contents of plant regulations and individual working contracts, and before the issuing of tariff regulations. This not only guarantees the obviously necessary contact between the trustee and the undertakin. in his district, but also takes into account the professional points of view within the restricted limits which the structure of the law admits.

If what has been said above thows that the authority of the Labor Truste unconditionally warrants that the legal structure of the working conditions are suited to the economic and social conditions of the enterprises, the high moral valuation the new State gives to working conditions still requires that effectiv cooperation in the undertaking as a whole be also supervised. It is placed und the express controll of social honesty. The bill thereby follows cautiously a leading route to a new social political land, by prescribing the passing of judgment by the Tribunals of Honour only in specific clearly defined factual cases, and by leaving the decision as to appeal to the Tribunals of Honour in the hands of the Labor Trustee. The penalty which the Tribunal of Honour may impose is in the most severe cases: against the Contractor the denial of the capacity of being the leader of undertakings against the members of the staff the removal from thei present place of work.

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Reich Cabinet Doc.40

From: Pfundtner-Neubert
The New German Law
I d Cultural Matters (Kulturwesen) 1, p.3.

Decree of 6 July 1938 on Reich's Student Work
(Reichsstudentenwerk)
Reich Legal Gazette I, p. 802

Introduction

By decree of 2 November 1934 the Reich Student Work was created by the Reich Minister for Science, Education and People's Education. (Zentralblatt for the Educational Administration in Prussia, annual publication 1934, p.355). Subsequently, doubts arose concerning the legal effectiveness of this decree, especially in the Provinces, since public legal corporations, institutes and charitable institutions of the Reich Law had thus far always been created by legal maxim (law or judicial regulation) and it was not sufficiently established whether the decree mentioned had adequate legal foundation in the Reich Statute of 22 April 33 (Reich Legal Gazette I, p.215) which deals with the foundation of student bodies at the scientific universities. With the proclamation of this law all doubts in this direction have been eliminated.

Practically the Reich Student Work has been working since 2 November 1934. The proposed fusion and transition measures are sanctioned by par. 10 par.2.

The legal form (Institution of the Public Law) expressly states that the work of the Reich Student Work must not be left to private initiative, that, on the other hand, the National Socialist State and the party are most concerned with the training of a political, professional, irreproachable, academic young generation. The mutual interests of state and party are stressed by the fact that beside the Competent Minister the Deputy of the Fuehrer has to sign the order.

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Reich Cabinet Doc. 41

From: New State Legislation I
The New State Structure
by
Dr.Wilhelm STUCKART and Dr. Rolf SCHIEDERMAIR
Leipzig 1943
Pages 115,116,117,118.

The HITLER Youth Act.

By virtue of the HITLER Youth Act of 1 December 1936, all German youth has been included in the HITLER Youth.

I. Significance of the Act.

It is the task of youth education to prepare German youth, which is the guarantee of Germany's future, for its duties. The three great educational factors are the parental home, the HITLER Youth and the school. They shall in harmonious cooperation, educate youth in the spirit of National Socialism.

1. Besides the School and parental home, a host of societies and associations used to devote themselves to the education of youth, with the sad result that German youth was split religiously, torn into classes and plagued by political propaganda. In this confusion, the HITLER Youth was, even before the seizure of power, the crystallization point of a new German youth. After the seizure of power, the greater part of German youth voluntarily threw themselves into the arms of the HITLER Youth out of genuine Socialist sentiment and national feeling.

2. The Act of 1 December 1936 legally acknowledges the accomplished fact of this development by including all German youth in the HITLER Youth.

In a development similar to that of the Labor Service (Arbeitsdienst), the HITLER Youth as part of the NSDAP has thus received important official tasks

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and has therefore, to a certain extent, become a State institution. The Reich has thus obtained a national youth which bears the title of Hitler Youth. The gap existing hitherto in the education of youth between the school and Labor Service has thus been bridged.

3. Service in the Hitler Youth is a service of honor to the German Nation, just like military service and Labor service. $ 1 of the Youth Labor Ordinance.

II. The Constitutional Status of the Hitler Youth.

1. The Hitler Youth alone is entitled to carry out the education of all German youth outside home and school. It is for the Hitler youth to educate all German youth physically, intellectually and morally in the spirit of National Socialism for the service of the Nation and for the national community.

For a concise delimitation of tasks between the Hitler Youth and the Reich Minister of Science, Education and People's Education, it is stipulated in the 1st. DVO that the problems of youth care, youth hostels and insurance against accidents and against employers' default in case of accident fall within the domain of the youth leader of the German Reich, while the authority of the Reich Minister of Science, Education and People's Education is still valid in the domain of the school, private education and social education.

2. The unity of party and state is accomplished by the part that the leadership and education of the Hitler Youth has been committed to the Reich youth leader of the NSDAP who assumes this State function under the title of "Youth leader of the German Reich".

3. In keeping with his important duties, the Youth leader of the German Reich has been vested with the function of a high national authority with its seat in Berlin.

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4. The Fuehrer has reserved for himself the enactment of the necessary legal ordinances and administrative regulations for the constitution of the Hitler Youth. He has thus expressed the great significance the Government attaches to the constitution of the Hitler Youth as being the all-inclusive party and national youth organization.

Consequently, the two executive ordinances enacted so far bear the signature of the Fuehrer.

III. The Original Hitler Youth.

In the application of the Hitler Youth Act the question had to be solved as to how the Hitler Youth, which now includes all German youth, is to preserve its character as party organization. This purpose is achieved by the constitution of the Original Hitler Youth.

1. Admission in the Original Hitler Youth is based on the following minimum requirements:

a) Those youths are eligible for admission who have at least a year's record of good conduct in the Hitler Youth and whose background is consistent with the conditions required for admission in the NSDAP.

In case of persons over 18 who apply for leadership or administration in the Hitler Youth, the waiting period may be waived for admission into the Original Hitler Youth.

b) Whoever has belonged to the Hitler Youth since the 20 April 1939 is automatically a member of the Original Hitler Youth. Since the Hitler Youth was hitherto a branch of the Party, such Hitler Youth followers fulfil the conditions of admission in the Original Hitler Youth.

2) Only the Original Hitler Youth now remains a branch of the NSDAP. It is the organization designed to provide future recruits for the NSDAP.

3) Membership in the Original Hitler Youth is voluntary.

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Reich Cabinet Document 42

From: Documents of German Policy, Vol. 4

Germany's Rise to a Great Power.

P. 329, 330, 331.

Statement of the Reich Youth-Leader Baldur von SCHIRACH on the HITLER Youth decree of 2 December 1936.

On 1 December the Reich Cabinet enacted a law whose importance for the education of our youth will be entirely understood only years later. Although the decree on the HITLER-Youth is something unique in the history of human education, it is nothing more than the public acknowledgement of an already accomplished development. For the youth, who now by law, the Fuehrer's and Reich Chancellor's signature is to serve in the HITLER Youth service, has for the most part already joined our ranks. Neither this nor any other previous law has mobilized the youth for the National Socialist State Idea; they flocked to the HITLER Youth of their own volition, out of enthusiasm and true National Socialist feeling.

When, at the beginning of this year, I declared the coming 12 months as the "Year of the German Youth", I did not expect in spite of the greatest confidence, that more than 90% of our youngsters would heed my call and that of the older age-group hundreds of thousand new comrades of both sexes would join us. Today, at the beginning of the last month of 1933, the Fuehrer and Reich Cabinet have expressed the highest appreciation within the power of a State for the voluntary efforts of the youth.

But at this moment more than at any other it seems important and fundamental to me that we recall the principle on which this youth once took its place in the ranks, fought and conquered.

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The great and wise word: Youth must be lead by youth, - which the Fuehrer once mentioned to me when the struggle was at its worst, when he entrusted to me the youth sector of the National Socialist Party - will also serve in future to guide us in our work. I myself do also not intend in the days to come to totter before my youth with a long beard. The leadership of each unit of the youth group must correspond to the spirit of youth. Not immature nincompoops but young activists who have been trained in the hard schools and academics of the Fuehrer will in the future be placed at the head of our youth. But here again we shall not proceed dogmatically and especially after we have become a supreme Reich authority. We shall avoid killing sound instincts by fussiness and red-tape, at all times during our struggle, I had about me a number of collaborators who were old in years but young in spirit and flexible and who were, though greyhaired, the ideal of every young Hitler boy.

Moreover, I regard it also as my task to maintain even the principle of voluntary enlistment after the proclamation of the law in a form clarified in my own mind under the changed circumstances. The boys and girls who entered the original Hitler Youth or the League of German Girls before 1 December 1936, i.e. the age groups of 15 to 18 (with the League of German Girls 15 - 21 years) will in a certain form differ from those who joined later. In spite of this I do not intend to create 2 different ranks in the youth and thus give rise to jealousy and discord. But I do want to establish a level of accomplishment which every youth who enters our community can attain by loyalty, performance of duty

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and readiness for physical or spiritual action.

The struggle for unification of the German youth has come to a close. I have considered it my duty to accomplish it severely and without compromise. Many might not have understood that such a fuss should be made over youth. But the National Socialist Party, whose trustee I have always considered myself to be and shall remain, has felt that the outcome for the future of the German people depended on the struggle of its youth. That National Socialism overcame this struggle victoriously, conquered the hearts of the young generation of our people and made the youth cheerful and happy, will secure for it also determined and uncompromising followers in the coming decades and centuries.

My activity in the future will completely be devoted to leading and influencing the millions of my followers. The quarrel about the unity of the youth has gone, and thus - as I once reconciled the millions of youth, organized in Marxist youth organizations and won them over as loyal comrades, - I hope to reconcile and win over in spirit all others, who now enter our community by the will of the Reich.

I neither intend to set up pagan sacrificial places in the forests of Germany and give the youth over to any Wotan worship, nor to deliver young Germany to the sorcery of some bearded apostle. On the contrary. Every one may serve that religious conviction for which he can answer in good conscience.

The Hitler Youth is no church and the church is no Hitler Youth. The community, responsibly by me in the spirit of the Fuehrer of the National Socialist

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state, will be decided upon only by me and my subordinater. And I promise the German public that the youth of the German Reich, the youth of Adolf Hitler, will do its duty in the spirit of the man to whom they have dedicated their lives.

H0811-0100

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Reich Cabinet Doc. 45

From:

New Constitutional Law I
The New State Structure
by
Dr. Wilhelm STUCKART, Dr. Rolf SCHIEDERMAIR
Leipzig 1943
Pages 88, 89.

The Development of the Labor Service.

I. Prior to the assumption of power there existed already in Germany a voluntary labor service.

1. Its legal foundation was constituted by the decree of 16 July 1932 regarding the voluntary labor service which characterized the task of this institution as follows: to give German youth the opportunit of working voluntarily and seriously in common service for the benefit of the whole nation and at the same time to train themselve physically and intellectually and morally. Art. 1.

2. The voluntary labor service which was under the supervision of the Reich Labor Minister was performed in labor camps which were established and supported by the most various economic and politic organizations. The labor service was generally considered as an emergency scheme, and its main aim was seen in the provisional accommodation of unemployed people.

3. The NSDAP also established a labor service of its own and gave it the form of a registered association. Here, however, the labor service was looked upon with different eyes. They recognized its high intrinsic value and therefore gave the party labor camps the character of educational schools, in which those ready to perform their labor service learned to recognize the value of manual work through physical work, and to grasp the meaning of the true racial community through fostering the spirit of comradeship.

II. After the assumption of power the voluntary labor service was further developed in accordance with the National Socialist conception.

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Reich Cabinet Doc. 45

1. The labor service was put under the control of the Reich Minister of the Interior by the decree of 3 July 1934 regarding the voluntary labor service.

2. A further decree of 29 November 1934 concerning the voluntary labor service monopolized the National Socialist labor service by prohibiting all other organizations to use the designations "Labor service" and "Labor camp" as well as the wearing of uniforms similar to those worn by the labor service.

III. In the third year of the National Socialist state structure and with regard to its overwhelming importance for the racial community, the labor service was transformed into a compulsory institution for the entire German nation, by establishing the general liability to labor service for both sexes.

The legal foundation is constituted by the Reich Labor Service Law issued on 26 June 1935.

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Reich Cabinet, Doc. 46

From: Deutscher Reichsanzeiger (German Reich Gazette)

and

Preussischer Staatsanzeiger (Prussian State Gazette)
No. 225 of 26 September 1935, evening.

Preamble to the Reich Chamber of Culture Law

of 22 September 1933.

Through the creation of the Reich Ministry of National Enlightenment and Propaganda the Reich expressed its will to take into its own hands the spiritu leadership of the nation. In the hands of the head of this ministry are concentrated all tasks relating to spiritual influences and the supervision of all means related to it (the whole field of Art, the technical means of the Press in influencing opinion of broadcasting and of the cinema). In accordance with the decree of the Reich Chancellor of 30 June 1935 (RGBl. I p. 449) any kind of spiritual influence falls within his sphere of activity. Thus the purpose of the law on trade advertising, passed by the cabinet on September 12th, is to have even the very will and the convictions of people in the field of economic effort serve the purposes of the economic policy. Th same purposes are aimed at by the Enlightenment in the field of domestic and foreign policy. At the heart of the spiritual influence, however, lies the work of building up spiritual values, that is culture itself.

It is not the intention of the National Socialist State to create a culture from above. The culture grows out of the people. All previous concepts of statemanship since the Age of Enlightenment considered culture as an individual, personal question, to a certain extent in opposition to the state. Even though this thought has not been realized, the opinion has been held that culture was something which, owing to its particular fineness and diversity, required from the state a highly decentralized interest,

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with the least possible interference by the central Reich authorities. For the National Socialist State, on the contrary, culture is the business of the nation. It is the task of the state to combat pernicious forces within culture and to foster valuable ones, this being measured by the standard of a sense of responsibility to the national community. To this extent cultural creation remains personal and free. In order, however, to follow a policy of German culture it is necessary to organize the creators in all fields of endeavour into a united purposeful unit under leadership of the Reich. This is achieved by a constant constructive process.

Constant constructive process means comprehending the individual. As a whole, it does not represent a separate entity within or even besides the state, but the state itself under a new form. The constitutional legal institutions which so far stood in a central position (law, jurisdiction, police) are not rendered superfluous . As means of coercion and of authority they, however, give way to the institutions which are intended to comprehend the will of the nation's members.

To carry out the tasks of the Reich minister for National Enlightenment and Propaganda it is therefore necessary to coordinate all branches of direct or indirect creative cultural activity into professional organizations.

The creation of the required foundations has for the most part already been realized according to provisional civil law. In this manner were founded: The National Socialist broadcasting Chamber, the Reich cartel of fine arts, the Reich cartel of German Musicians, the Reich Union of German writers, the Reich Theater Chamber. In the same manner it is intended by the projected law on editors to provide the body of editors with the legal reforms which befits the highly instructive and educative level of their work in the nation

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In the field of moving picture the Cabinet has, by passing the bill creating a provisional moving picture chamber of 14 July 1933 (RGBl.I p.483) already established the legal union of creative artists.

The expectations entertained at the time of the creation of the moving picture chamber have been entirely fulfilled without any restrictions in the short time of its existence. The institutions established by the law and the executive decree have proved adequate to carry out the extremely difficult tasks at hand. The project gives authority to the Reich Minister for National Enlightenment and Propaganda to coordinate in the same manner the fields of literature, the press, broadcasting, the theater, music and the fine arts, so as to unify them into a Culture Chamber of the Reich.

The project (paragraph 4) provides in particular that the intended creation must remain within the confines of the general directions which shall be decided for the professional reconstruction of the Reich Cabinet. The Reich Culture Chamber shall be a part of the continuous reconstruction. The elaboration of the part referring to cultural professions cannot be delayed. The wide diversity of German culture has brought about the development of conditions in the theater, in music and in the press, etc., which make a planned organization exceedingly difficult. The various unions and organizations wage in these spheres a war of all against all. The Reich, therefore, must not only determine the spiritual direction, but also assume the leadership in organization and coordination of the professi

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Reich Cabinet Doc.49.

From: Koelnische Volkszeitung

No.83 74th Year Cologne, Monday 27 March 1933

The American Chamber of Commerce in Germany

Cologne, 25 March.

The American Chamber of Commerce in Germany, Cologne Branch Office, requests that the following notice be circulated:

Disquieting reports in the German press concerning attempts by certain circles in the United States to instigate a boycott of German goods have induced the Cologne Branch of American Chamber of Commerce in Germany to send the following telegram to the United States National Chamber of Commerce in Washington:

"At today's session, the executive committee exclusively composed of American representatives of American firms deplores the possibility of a boycott against German goods as reported in the German press. It is our firm conviction that the boycott movement is centrary to the most elementary American interests especially in view of the highly favorable commercial balance of the United States and the certainty of German counter-measures. So far we have not discovered nor do we expect any interference with persons or property of American firms or citizens as a consequence of a political revolution in Germany."

Subsequently, the American Chamber of Commerce in Germany and those circles most closely connected with it have contacted competent authorities in order to offer their services for the purpose of giving the American people a true picture of actual conditions in Germany as soon as possible. Though American residents in Germany are of opinion that such attempts in America solely originate from certain circles at the service of the

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yellow press, they consider it nevertheless highly desirable, in their concern for the preservation of the existing friendly relations between the two countries, that everything possible should be done at the very out set to effectively counteract such attempts.

Similar telegrams have been sent by the Berlin Central Office and other branches of the American Chamber of Commerce.

The National Union of Jewish Ex-service men

The National/Union of Jewish ex-service men has addressed the following letter to the Embassy of the United States of America in Berlin:

We have been informed of the propaganda made in your country concerning alleged atrocities against the Jews in Germany. We consider it our duty, not only in the interest of our country but in the interest of the truth, to express our opinion in this matter. Acts of violences and outrages have occured which we, least of all, are prone to condone. However, such excesses are inevitable in any revolution. We appreciate the fact that in every case known to us the authorities have acted energetically against outrages wherever it was possible to intervene. The outrages were committed in every case by irresponsible, clandestine elements. We know that the Government and all official quarters most severely disapprove the acts of violence committed.

Moreover, we are of opinion that it is opportune to put an end to the irresponsible provocation undertaken abroad against Germany by so-called Jewish Intellectuals.

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These men who in the main have never professed to be Germans and, at a critical moment abandoned their co-religionists in their own country where they professed to be a fighting vanguard and fled abroad, have forfeited the right to give an opinion in German-Jewish affairs. The darts they shoot from a safe refuge undoubtedly harm Germany and German Jews but they certainly do no honor to themselves. Their reports are replete with exaggerations.

We should be very thankful to the United States Embassy if it would immediately cable to America the above letter, which we send, fully conscious of our responsibility for what we say. The undersigned Union is prepared to pay the expenses incurred. Knowing that a large-scale propaganda against Germany is to take place/Monday on the theme discussed above, we should appreciate it if our letter could be made public in America on that very day if possible.

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Reich Cabinet Doc.51.

From: Pfundtner-Neubert

The New German Reich Law

Seasant's Entail Law II b 21 p.12.

To Para.13: 1) The regulation derives its conclusions from the program drawn up in the preamble of the law. If the farmer is to be the life - blood of the German people, then farming should be restricted to bearers of German blood. The law puts the members of racially equal peoples on the same level with them. It thus takes into consideration the circumstance that the German people in its present composition, from the standpoint of blood, is the result of a historic devolopment conturies old in the course of which there was an influx the most diverse currents of foreign blood. It does not regard such mixtures of blood as dangerous if they stem from racially similar difference.

2) Mixture with Jewish blood or blood of colored people is particularly injurious for the German people according to the findings of the race policy. The regulation of par.2 draws its conclusions from that. It has been formulated in negative form without the law expressly stating what is to be regarded as German blood or blood of the same race. On carrying out the law, jurisdiction and jurisprudence assume, following the results of racial research, that on principle those peoples are to be regarded as of the same race who, from time immemorial, had been living in Europe in closed national settlements, to wit all Aryan Europeans and their pure-blood descendants in the colonies.

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Reich Cabinet Doc. 52

From: PFUNDTNER-NEUBERT

Das neue deutsche Reichsrecht
(The new German Reich law)

I d 2 S. 1

Law against Overcrowding of German Schools

and Higher Institutions

of 25 April 1933 (RGBl. I p. 225)

Introduction

The law pursues two objects: First, the abolition of the present overcrowding of schools and higher institutions of learning. It is the first constitutional regulation on this question after the provinces had by a provincial agreement (agreement of 15 Feb 1933 ZBlUV. p.78), tried to reduce the entrance requirements to higher institutions.

On the other hand, the law pursues the object of reducing the number of non-Aryan students to a ratio corresponding to the percentage they form of the whole population.

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Reich Cabinet Doc. No. 53.

From: Pfundtner-Neubert

The New German Legal Right.

III c 5 p.31

Law Amending Regulations of Industrial Enterprises in the German Reich,

6 July 1938,

Reich Legal Gazette I p.823

Introduction.

National Socialist economic policy makes it necessary to eliminate Jewish influence within industrial enterprises. The decree contains regulations on the elimination of Jews from industrial enterprises whose cleansing of Jewish influence is most urgent.

Thus, in the controlling branch, which often collaborates with the State Police and has to support the State Security Organs in their struggle against asocial elements, no Jews can be permitted as tradesmen. The Jews must also be excluded from the peddlers' trade, and for reasons of state security from being representatives with identification cards, since this field is difficult for the police to supervise and thus offers a welcome field of activity to elements unreliable and dangerous to the state. Moreover, it cannot be tolerated that Jews run inquiry offices, which by their key position offer insights into personal and economic conditions and - as matters stand - makes it possible for Jews to decide the fate of German people. It is also unbearable that Jews should be active as professional guides; it is not fitting that Germany, German towns and cultural places of the German peole should be shown or explained to foreign travelers by Jews. Moreover, it is incompatible with the principles of the German National Socialist

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Reich Cabinet Doc. 53

State for Jews to trade in German real-estate. Furthermore, the activity of Jews in professional negotiations of loans, which apart from the fact that it is inextricably connected with trade of mortgage agents, is highly undesirable. The same is true of Jews as administrators of homes or real-estate. Finally, for reasons of a racial policy professional marriage making by Jews must be prohibited, as far as not marriages are concerned in whose arrangements the National Socialist State is not interested.

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From: Pfundtner - Neubert

The New German Reich Law

I d 16 P. 1

Law concerning the Rights of Jewish Religious Organizations of 28 March 1938 (Reich Legal Gazette I, p.338)

Introduction

The law concerning the legal rights of Jewish religious organizations of 28 March 1938 regulates the legal rights of Jewish religious organizations and their unions uniformly for the whole of the Reich. On this subject there existed heretofore the most diverse national laws, and within Prussia i.e. additional 12 different provincial laws. For this reason alone the reclassification of the matter was urgent.

A reclassification within the limitations of Art.135 ff. of the Weimar constitution, into which the Jewish religious organizations formerly fell, was out of the question. A special position as corporate bodies of public law could no longer be assigned to these organizations as there is no reason whatever to grant these organizations any advantages, legal or otherwise in the Third Reich. According to Para. I of the new law the Jewish religious organizations without exception lost their character as corporate bodies of public law. They can, however, continue to exist as legally valid associations on the principle of religious toleration. They acquire validity like any other association by entering into the organizations' register on which occasion the usual prerequisites are to be examined by the registrar. A standard statute for this kind of associations has been considered. The religious organizations and unions existing at the present time also acquired validity as associations according to Para.I,

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Para. 2 of the law without being registered as there had to be a continuous administrator for the existing property. However, they will have to create a new statute for themselves, since their "statute" heretofore as a corporate body of public law in reality was based on national or provincial laws and thus are no longer subject to registration.

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Reichs Cabinet Document 55

From: Deutsche Justiz

(German Justice)

1939 1st half-year p. 791 - 793.

Official justifiaction to the law concerning Jewish tenants of 30.4. 1939 (RGBl.I p.864 (RJM.3430 - IV.b 2 593 - Deutsche Justiz (German Justice) p.791 -

The idea of national community permeating the National Socialist philosophy of life led to the concept that for the relations of the lessor of a house with the lessees and those of lessees amongst themselves a trustworthy house community,
/concerned with their mutual legal relations, should be established and maintai This already found expression soon after accession to power, in the German lease contract concluded between leading lessor and lessee associations with the collaboration of the Reichs Ministry of Justice and was since then been effective for the whole renting policy of the third Reich. These efforts are contradicted when Jews and Germans live in the same house because a house community may not exist between them. It is, therefore, necessary to facilitat the departure of Jews from German lodgings, insofar as they do not do so voluntarily, and at the same time to offer fellow-Germans, non living in Jewish houses, prospects of a new home.

The removal of Jews from German living space is further imporative in view of the consequences to numerous fellow-Germans of the then-existing lodgings market. Whereas Jews in many individual cases, as well as generally in proportion to the population, occuoy too much living space, fellow-Germans cannot be accommodated at all or only inadequately This privileged

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position in the German living space is not justifiable and must therefore be discontinued.

The realization of these goals encounters difficulties as long as the legal aspects remain unchanged, giving every lessee the same protection against the lessor's braking of a lease without considering whether he belongs to the German community or whether he is a Jew. A change of these laws in favor of the Jews is only possible if thereby note is taken of the consequences which must arise from doing away with the right to give notice to Jews, particularly of the difficulties which might arise in connection with lodging such large number of Jews still living in Germany. Therefore, the establishment of new homes is out of question; neither would a lodging change on a large scale prove of any help. The necessary legal solution can therefore only be that the space - in part large enough - now at the disposal of Jews in Jewish houses, be used to accmmodate more Jewish families. This limited space must be shared with the Jews by the occupants who at the time still occupy lodgings in non Jewish houses but who in the course of time will have to give them up to release them to fellow Germans in search of lodging.

To prevent disurbances to public security and order, the departure of Jews from German lodgings and their accomodation elsewhere must be executed according to plan. The cooperation of the authorities should be assured for the execution of all necessary measures which guarantees that action shall be taken only where it appears to be in the interest of the public good.

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Therefore, a general abolition of the protection of lease for Jews is to be disregarded; the abolition of this protection in each individual case ought to depend on the proof given by an official attestation that another possibility of accomodation is available. On the other hand the municipalities should have authority to make compulsory the conclusion of lease contracts and sub-lease contracts among Jews. To enable the municipalities to dispose permanently of a determined, though limited space, the houses still belonging to Jews, even after their sale to non-Jewish buyers, should remain available for the accomodation of Jews until some future expected increase of living space or the reduction of the number of Jewish households by emigrations, enables the municipalities to disregard this claim. By an elastic manipulation of the control powers of the municipalities, which are supplemented by prescriptions about certain authorities obligations, about the granting of evacuation delays and about definite report obligations, the regular development of the measures for the removing of Jewsish lessees out of German homes will be generally assured.

The following is to be noted with respect to the particular stipulations of the law.

To Paragraph 1.

The lease protection law recognizes no exceptional stipulations in favor of Jewish lessees. Because of the far-reaching validity of this law, an unchanged application to lease relations with Jews would delay or even prevent to a large extent the realization of the desired aim.

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Reich Cabinet Document 55

On the other hand a complete and unanticipated sudden dissolution of the Protection of Tenancy Law for Jews (which was equivalent to a general clause for the loss of Protection of Tenancy) would lead to giving mass notices to Jewish tenants, without the prospect of providing in due time shelter for Jews affected by it. The dangers to public security and order arising from this could only be prevented by far-reaching approval of removal notices. Therefore, an adjustment which appears to insure the loss of Protection of Tenancy Laws of individual Jewish tenants effected, is preferable to a general dissolution of the Protection of the Tenancy Law. As the further accomodation of a tenant who must vacate but cannot provide other shelter by himself can only lie in the hands of the municipal authorities. To aid for the municipal authorities in doing its work according to plan and, on the other hand, to avoid the inconveniences which result from a general removal of the Tenancy Protection enjoyed by a Jewish tenant as hitherto, the landlord is obliged to give notice and at the same time show a certificate of the municipal authority which assures for the time subsequent to the expiration of the tenancy other shelter for the Jewish tenant. It therefore depends on the display of such a certificate whether the landlord can freely dissolve a lease agreement which he concluded with a Jew on a dwelling which served as basis of tenancy protection, i.e. is independant of the presupposition of Tenancy Protection Law.

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Such free notice should be however excluded even when the landlord is a Jew as it does not appear to be justified to free him from limitation of notice of the rent protection law, all the more so as he must endure compulsory accommodation of Jews in his house.

To Para. 4.

One must reckon with the fact that Jews, who must vacate their previous lodgings are not always accepted voluntarily as tenants or sub-tenants nor voluntarily decide to contract such lease or sub-lease agreements. To the Municipal Authorities therefore is conceded the power to compel Jews to accept Jewish tenants or Jewish sub-tenants and in case of resistance to make compulsory lease contracts. For lodging of Jews the Municipal Authorities can take possession of flats which are occupied by Jews in Jewish houses. It is left to the Municipal Authorities to carry out the details of necessary measures. When making lease agreements and sub-lease agreements the competent Price Authority has to take part. To defray partially the necessary management expenses, the collection of charges for making agreements is provided for. The carrying out of the measures provided for can be easily nullified, if a Jew in whose dwelling Jews are accommodated as tenants or sub-tenants, by the order of Municipal Authority could terminate the agreement relations at will. The admissability of such notice should depend therefore always on the consent of the Municipal Authority.

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Reich Dabinet Document 56

From: Documents of German Policy, (Dokumente der deutschen Politik) Vol.1.
The National Socialist Revolution 1933.
pp. 92, 102.

Struggle for peace.

Hitler's peace speech in the Reichstag, 17 May 1933.

Germany now is ready at any time to renounce offensive weapons if the rest of the world renounces them also. Germany is ready to agree to any solemn non-aggression pact; because Germany does not think of an attack but of her security. Germany would see great pacification for all those who honestly acknowledge peace, in the realization of the generous suggestion of the American President to interpolate the mighty United States as peace guarantor in Europe. We, however, have no desire more anxious than to help so that the wounds of the war and the Treaty of Versailles will finally be healed and Germany, by so doing, does not wish to proceed on any other road than that which is acknowledged as authorised by the treaties themselves. The German Government desires to come to terms peacefully and according to treaty with the other nations about all difficult questions of a political and economic nature. It knows that every military action in Europe, even in case of its complete success, measured against its sacrifices, stands in no proportion to the possible final benefit.

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Reich Cabinet Document 52

From: Documents of German Policy, Volume 1

The National Socialist Revolution of 1933.

Pages 107, 109.

Appeal of the Reich Cabinet to the German People on 14 October 1933.

The German Reich Cabinet and the German people are united in the will to carry on a policy of peace, reconciliation and agreement as a basis for all decisions and every action.

The German Reich Cabinet and the German people therefore reject violence as an unsuitable means to remove existing differences within the European community of nations.

The German Reich Cabinet and the German people renew their avowal to agree cheerfully to all actual universal disarmament, whilst asserting that they are ready to destroy the last German machine gun and to discharge the last man from the army, in so far as the other nations reach similar decisions.

The German Reich Cabinet and the German people join in the sincere wish to be willing to calmly examine and solve all existing problems by means of negotiations with the other nations, including all our former enemies, in the sense of overcoming the war psychosis and finally restoring sincere relations among the nations.

The German Reich Cabinet and the German people therefore declare themselves willing - by concluding continental nonaggression pacts for the longest period - to guarantee peace in Europe, to work for its economic prosperity and to participate in the general cultural reconstruction.

The German Reich Cabinet and the German people are

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possessed of the same conception of honour that the granting of Germany's equality of rights is the inevitable moral and material prerequisite for each participation of our people and its government in international institutions and treaties.

The German Reich Cabinet and the German people therefore agree on the resolution to leave the Disarmament Conference and to withdraw from the League of Nations as long as this actual equality of rights is withheld from our people.

The German Reich Cabinet and the German people are decided rather to put up with any distress, any persecution and any misery, than henceforth to sign treaties which would be unacceptable for every man of honour and for every nation imbued with the love of honour, and the consequences of which would only lead to a perpetuation of the distress and miseries created by the Versailles Treaty and hereby to the collapse of the civilized community of nations.

The German Reich Cabinet and the German people have not the will to participate in the armament race of other nations; they only demand that degree of security which guarantees the nation's peace and liberty for peaceful work. The German Reich Cabinet and the German people are willing to secure these justified claims of the German nation by means of negotiations and by treaties.

The Reich Cabinet asks the German people the following question:

Does the German people agree to the policy of its Reich Cabinet submitted to it, and is it ready to declare this as the expression of its own conception and its own will and to join it in all solemnity?

Berlin, 14 October 1933.

The Reich Cabinet.

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Reich Cabinet Document 60

From: Documents of German Policy (Dokumente der deutschen Politik) Volume 1

The National-Socialist Revolution 1933

P. 140.

Text of the Voting Paper.

Do you approve, German man and you German woman, this policy of your Reich Cabinet and are you prepared to declare it as the expression of your own conception and your own will and to acknowledge it solemnly?

The official result of the election of 12 November 1933.

National election of 12 November:

Entitled to vote	Voted	%	yes	%	No	%	Not valid
45,176,713	43,491,575	96.3	40,632,628	95.1	2,101,191	4.9	750,271

Reichstag election of 12 November:

Entitled to vote	Voted	%	NSDAP	%	Not valid	%
45,176,713	43,053,616	95.2	39,655,212	92.2	3,398,404	7.8

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Reich Cabinet Document 61

From: Documents of German Policy Vol.2

The Construction of the German Fuehrer State

Year 1934

pp.41,42,45.

The German Peace Policy.

The first quarter of the year 1934 is filled with the battle for disarmament. In October 1933 Germany had withdrawn from the Disarmament Conference. By way of direct negotiations the Powers then tried to find a basis for the resumption of the work of the Disarmament Conference after Germany had refused to take part in a disarmament conference that further denied her equal rights. On 18 December 1933 the German Government submitted a memorandum on her disarmament proposals. In this memorandum the German Government proposed a Reich army of 300.000 men on condition that the other Powers accepted a limitation of their armaments to their present level. A French answer of 1 January 1934 wished, on the other hand, to tie the realization of Germany's equal rights by means of a modest adaptation to the armament level of the rest of the world to a row of conditions. The question of "security" was raised; the demand was made that the question of control be settled before the beginning of disarmament. The question of the so-called semi-military organizations such as SA and SS was used as a pretext for the negative attitude of France. This French memorandum was answered by a German memorandum of 19 January 1934 in order to make the German point of view clear once again, and to induce France to make her own position clear. In the meantime Germany gave a concrete proof of her peace policy by the conclusion of the pact of non-aggression between Germany and Poland of 26 January 1934.

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Reich Cabinet Document 61

The German memorandum of 13 March 1934 continues the conversations concerning disarmament. The stiff attitude of the French Government had up to then prevented any progress being made in the disarmament negotiations. In spite of this the German Government formulated anew in an "aide-mémoire" a definite program of disarmament. This aide-mémoire is based on the British disarmament memorandum of 29 January 1934 (which contained the so-called Mac Donald plan). On 21 February 1934 a visit to Berlin of Lord Privy Seal Eden for a exhaustive discussion of the disarmament and peace program of the German Government took place. On the basis of this discussion a Note Verbale of the Reich Cabinet formulated the final peace and disarmament plan of the German Government.

But on 17 April France, through a Note Verbale to England, put an end to any idea of disarmament. In a speech of 27 April 1934 to the press, the Reich Minister for Foreign Affairs von Neurath deals with the "no" of France. Germany continued to seek definite ways of settlement for an agreement with the European Commonwealth of Nations. On 14 and 15 June the Fuehrer and the chief of the Italian Government held a conference in Venice on the European situation. In an address on the "Gau" day in Gera on 17 June 1934 the Fuehrer once again proclaimed Germany's will for peace, but also for national self-preservation and the Fuehrer's Deputy repeated this declaration for peace and national self-assertion after the events of 30 June at a "Gau" party day in Koenigsberg on 8 July 1934.

In the meantime the French Government had set up the plan for a so-called system of pacts, of which the proposal for the Eastern pact was a predominant feature. From this proposal for an Eastern pact there finally resulted in the year 1935 the alliance between France and Soviet Russia, whereby the ideas underlying this

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plan for an Eastern pact came to light. On 8 July 1934 the British Government, upon the occasion of a visit of the French Foreign Minister Louis Barthou, gave to a certain extent its assent to these plans, which were conveyed to the German Reich Cabinet on 13 July by the British Ambassador. On 10 September 1934 the German Reich Cabinet informed the public in a communique of its negative attitude. At the international Road Congress the Reich Minister von Neurath on 17 September 1934 once more explained Germany's attitude in regard to disarmament and equality of rights, and to the plans for an Eastern pact, while the Fuehrer's Deputy Rudolf Hess, in a speech in Bochum on 8 September 1934, once more proclaimed the unswerring will of National-Socialist Germany for understanding, particularly with its French neighbour.

The Fuehrer took advantage of a large Saar rally on the Ehrenbreitstein on 26 August 1934 to make a significant peace offer to France.

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Reich Cabinet Document No. 62

From: Dokumente der deutschen Politik (Documents of German Policy)

Germany's Path to Freedom 1935 (pages 50, 51)

Germany's Struggle for Peace and Equality

The year 1935 began with negotiations for the so-called disarmament. Through the London Communiqué of 3 February 1935 English and French statesmen, meeting in London, tried to resume discussions on disarmament. In contradistinction to earlier proposals, the particularly striking feature of this communiqué was an Air-Locarno proposal whose purpose it was to extend the guarantees of the Locarno Pact with an agreement whereby an attacked state will be assisted by the air forces of the other Locarno-Powers. The German Reich Cabinet's reply to the London communiqué of 14 February 1935 was in particular reference to this proposal of the air-pact. It suggested further an exchange of opinions between the English and the German Governments, as indeed occurred through Mr. Eden's visit and that of the Lord Privy Seal and Foreign Minister, Sir John, in Berlin.

On 16 March 1935 Germany took the step of reintroducing compulsory draft, which had become inevitable as a result of the increased arming of the world. The law organizing the German Armed Forces was legally established by German military sovereignty. In a manifesto the German Reich Government explained the meaning and importance of the German measure to the German people.

In response to Germany's reintrodution of compulsory military service Great Britain, France and Italy sent notes of protest. Shortly thereafter representatives of these three States gathered for a conference held at Stresa in order to set forth their position in regard to the German step. Because of an erroneous declaration which came forth from this conference

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on a German step taken in connection with the East Pact the German Government was given on 14 April 1934 an opportunity to set forth once more emphatically Germany's attitude in regard to the East Pact. After the step taken by Germany on 16 March, the French Government appealed to the League of Nations and on 17 April that body resolved that Germany's reintroduction of compulsory draft constituded a violation of its pledge towards the community of nations. In an Aide Mémoire of 20 April 1935 the German Reich Cabinet protested against that resolution which it described as another act of discrimination against Germany and denied to the Governments involved the right to constitute themselves a judge over Germany.

Having acquired military sovereingnty through its step of 16 March, the Fuehrer announced on 21 March 1935 a comprehensive German peace plan for a new order in Europe. In 13 points he laid down the principles on which a new European peace system could be based.

In the meantime, France and Soviet Russia had taken the portentous step of signing the Pact of 2 May 1935 by which the French Republic allied itself with the Soviet State. The German Reich Government never ceased to warn the world of the ominous results of such a step. Over and over again it emphasized that the Pact was a violation of the Locarno Agreement since by that pact France and Russia arrogated to themselves the right to determine who the aggressor was without recourse to the League of Nations. In a German Aide Mémoire of 25 May 1935 addressed to the Locarno Powers the German point of view was set forth.

On 21 May 1935 the German Armed Forces Law was promulgated which served as the basis of the German Army

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The English-German Naval Agreement of 18 June 1935 was another contribution towards peace in Europe; for the first time Germany's armament was therewith formally recognized.

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Reich Cabinet Document No. 63

From: Documents of German Policy

Germany's Road to Freedom 1935
PP. 63, 64, 65

Article by Reich Minister von BLOMBERG in the "Voelkischer Beobachter" on the subject of German compulsory Military Service, dated 20 March 1935.

When on 16 March 1933 the Fuehrer and Reich Chancellor placed again in the hands of the German people itself the preservation of German honor and the security of the Reich, it was the outcome of a development which had been consummated as a matter of course before the public eye both at home and abroad and could not therefore come as a surprise to anybody.

This development was decisively determined by two different factors: It was based in the first place on the healthy vigour of a nation unbroken in its inner core despite a lost war and general collapse, and not prepared to forfeit the free organization of its own life. In the second place, there was the throttling oppression of a unilateral dictated peace, whose exigencies became more questionable from year to year in view of the failure of the pledged compensations to materialize, and were consequently bound to be increasingly resented as disparaging. A nation which had upheld its honour in a war against a world, found the gates closed to military service for the coming generation. Around the tablets of the law surrounding the small professional army of the military system imposed upon us, the desire of those shut out grew, and aspired to political action. It thus became the demand of the whole nation which it was soon impossible to ignore. A new Germany arose and forced her way through weaknesses and renunciations. In the Reich of Adolf Hitler, it acquired a living form.

It would be false to consider the introduction of general military service which is now the crowning of this effort, as a development primarily related to the Army and its interests. In no other large country is

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the reflexion of SCHARNHORST that every inhabitant of the State is its born defender, so rooted in the heart and conscience of the whole nation throughout centuries of history as in Germany. There is a reason for this. A nation can only be understood in relation to its historical development and the peculiarities of its boundaries and geography. A nation's defense system is not in the long run determined by a free decision that can be arbitrarily taken in such or such a way or altered at will, but must be in intimate harmony with pre-established national and social conditions, maturing out of the race and blood which infuse it with their active virtue.

Thus, the transition from the professional warrior perfectly trained in the handling of arms to the soldier produced by comprehensive military service, is consistent with the innermost essence of the German, who has always felt that he is the born defender of his people and country. In the long run it was an unbearable situation for him to have to leave this most eminent right of the free man to a minority, no matter how competent by training and selection.

But in this era of ever mounting technical progress and increasingly high improvement of weapons and their manipulation, the return to the short duty soldier of general military service has a clear implication which no pronouncement, no matter how prejudiced, can impair: Germany thus proves (entirely in accordance with the reorganization of the professional army formerly required of us) that she sees in military service for her ablebodied manhood only an instrument of defense for her frontiers and vital space. History teaches that armies intended for conquest have different characteristics.

Moreover, the German people has always seen in military service

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the national school which no other can replace: the school for discipline, comradeship and practical racial community. Here, the character of the younger generation was formed. Indeed, its effects were not limited to the term of service but continued to bear fruit in every profesion and at all ages. We have had to experience its absence bitterly in the years following our collapse. Much would have been spared the German people, many a development would have taken another turn if the rigid school of military service could have exercised its influence in other circles. The generation of that time has itself greatly suffered from this need. This is the origin of its internal disintegration in the past decade. Healtly youth wishes to be entitled, by free personal development, to incorporate itself in the nation which it is destined one day to support. Since it found all doors closed to its natural impulse, it sought its own ways. Thus a proportion of it was lost for the future and for the Nation which failed to understand its manly yearning or take it into consideration. To-day, we are throwing our gates wide open. The coming generation shall prove worthy of the right to bear arms restored to it by the new Germany, in the spirit of its forefathers.

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Reich Cabinet Document 64

From: Documents of German Policy (Dokumente der deutschen Politik) Vol.4

Germany's Rise to a Great Power

Pp. 92, 93, 94, 95, 96, 97, 98.

The struggle for the peace and the German honor.

On 27 February 1936 France ratified the pact with the USSR. On 21 February the Fuehrer, in a conversation with Bertrand de Jovenel, in which he once again stretched out his hand to France for peace, warned of the pact, which would aggravate all endeavours for a German-French understanding. On March 7th the Reich Cabinet drew the consequences of the resulting ratification of the Soviet Pact. In a large memorandum of March 7th, 1936, she suggested a new European peace order to the signatory powers of the Locarno Pact. In a mighty speech before the Reichstag, the Fuehrer spoke established his steps before Germany and the world.

The Reich Cabinet stated in their memorandum that they considered the Locarno Pact, which the Soviet Pact had internally falsified, as obliterated. Therefore, the Reich Cabinet, in the interest of the most primitive rights of a people in regard to the security of their frontiers, had restored the complete and unrestricted sovereignty of the Reich in the Rhineland also. The same day, German troops re-entered the Rhineland. In order to check misinterpretation of their steps, however, the Reich Cabinet combined a big European peace program with all these measures. They declared themselves ready to conclude a new Western pact in lieu of the Locarno Treaty and, after the restoration of the German honor, to enter the League of Nations as a partner having equal rights; they expressed the hope therewith, that the question of equality of Germany's colonial rights would be brought to a solution therewith.

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To give the German people an opportunity for a solemn agreement with the policy of restoration of national honor and sovereignty of the Reich and that of a true reconciliation of the peoples, the Fuehrer and Reich Chancellor dissolved the Reichstag on March 7, by a decree. New elections were proclaimed for March 29.

On the Heroes' Memorial Day of March 8, Reich War Minister von BLOMBERG once again stated the meaning and purport of the Fuehrer's action of March 7: "We want no war of aggression, but we do not wish to have to fear a war of defense."

The election contest for March 29 gave the opportunity, not only for calling upon the German people for a unanimous acknowledgment of the Fuehrer's action of liberation but also for demonstrating that the action of March 7 was prompted by the desire for peace and for a new European order. On March 10, Reich Propaganda Minister Dr. GOEBBELS, opened the election contest with a greatly planned speech in the Berlin Sport Palace: Not garrisons of war, but of peace arose with the "entry" into the Rhineland.

The great international crisis, which many were afraid of in connection with the step of March 7, did not take place; France finally contented herself with a protest to the League of Nations.

The German Reich Cabinet once more took the floor with an official statement, when many a hostile attitude and many a misunderstanding towards the German step appeared abroad.

The Reich Cabinet declared in this statement once again their resolution to do everything for the pacification of Europe, but also not to tolerate any new discrimination of the German people, which, in the long run, would have to make the European peace illusory again.

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The Reich cabinet responded to the numerous admonitions from abroad to make a peaceful "gesture" by restricting the number of troops in the Rhineland with the assurance that the occupation of the Rhineland had first of all been carried out in a form which is to be considered as symbolic; a permanent restriction of the sovereign rights in the Rhineland, however, was out of the question.

On 13 March the Fuehrer held a speech in the liberated frontier-province of Baden.

"It is my wish to remove also the sharp differences in the life of nations just the same as in the interior of the country, in conformity to the law, equity and common sense." National Socialism is also in a condition to pursue this policy of European agreement, for it has no need to chase after the bloody laurels of war.

On 15 March 1936 the Fuehrer made the same appeal to the German people on the occasion of a big demonstration in Munich : stated the Fuehrer: "My goal is peace", he explained "based upon the nations' equal rights. We are a great power among the nations and want to be appreciated as a great power." When he is now pressed hard from all sides to make a "gesture", he is bound to answer that his proposals were the most generous gesture which a European statesman ever made or could make.

The Fuehrer's speech in Frankfurt on the Main on 17 March 1936 was not only an appeal to the German people but also to all the nations of Europe. This speech tried to present to the people in Europe a picture of real peace, of that peace which is based on the divine right of nations, on life and liberty.

At the instigation of England the German government was invited by telegraph on 14 March 1936 as a signatory to

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the Locarno Pact" to participate in the council's examination of the statement of the French and Belgian governments". The German government answered the invitation on 15 March 1936. It declared its fundamental willingness to accept the invitation, expressed, however, the expectation that the German government would participate in the conferences and resolutions as a partner with equal rights and that the German proposals of 7 March should be dealt with as an inseparable unity. After the clarification of this question, Ambassador von Ribbentrop was sent to London as a representative of the German government to the session of the Council of the League of Nations. Great Britain, France and Belgium finally agreed on a resolution which condemned the German step of 7 March (Italy was absent because of the sanctions). During the session of 19 March 1936 which was the high-point of the council's meeting, Ambassador von RIBBENTROP in a lengthy speech (Doc.13) presented a detailed statement of the German point of view "pleaded for an understanding of Germany, for insight into the dangers of the new Soviet-Russian - French military alliance which compelled Germany to take measures in that it put an end to the hitherto existing balance of power in Europe and thus eliminated the fundamental political interests and legal suppositions of the Locarno Pact. Ambassador von RIBBENTROP called the meeting's attention once more to the historical and unique offer to pacify Europe made by HITLER in his memorandum of 7 March 1936. In spite of the tremendous impression it made, the speech could no longer alter the preconceived result of the meeting of the council. After determining the result of the voting on the resolution, which meant a condemnation of Germany, Ambassador von RIBBENTROP entered a protest (Doc.14) which culminated in these words:

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The German Reich Cabinet and with it the entire German people have the sacred convictions that the decision just taken by the council will not stand before the verdict of history."

On 19 March 1936 Adolf HITLER spoke in Koenigsberg. As the herald for Germany's internal union and as a herald for the peace of Europe the Fuehrer directed the appeal to the nation according to his own words: "Germany has no desire for conquest in Europe. Germany does not intend to harm anybody in Europe."

The election contest reached its sweeping climax on 28 March, which the German people solemnly celebrated as "the German national day for honor, freedom, and peace". The Fuehrer spoke on this last day before the election to the whole of the German people from Cologne, after had spoken the day previously at Essen, and raised the eternal voice of morality by his words against the Articles. He pleaded a last time with the statesmen of Europe to give ear to the voice of reason and reconciliation among the nations. The world should recognize that it is dealing with a new type of Germany: "At that time, 18 years ago, the last regiments crossed the bridges, and today a people has come home"; this people, on the other hand, is offering entirely different guarantees for holding to a new understanding for peace in Europe: "Guaratees greater than the safeguard of a hand which grasps 67 millions does not exist anywhere else in the world."

That it meant this entire nation was borne out by the election results of 29 March, when 99 percent of the German people confessed their feith in the National Socialist State.

The German Reich Government used this full power - in which no one could longer doubt - to hand a new and comprehensive peace plan to the British Government through Ambassador von RIBBENTROP, on 1 April 1936. This was a positive reply to a negative proposal which the

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remaining Locarno Powers had sent to the German Reich Government on 20 March. Diplomatic actions undertaken after March 7 which no longer were able to effect in any way German sovereignty over the Rhineland, ended up, after Germany had submitted the comprehensive German Peace Plan of 31 March with the so-called English questionnaire of 6 May 1936 to which the German Government failed to reply. It did not successfully affect the Locarno Conference which it was intended to initiate, and other pressing problems in Europe soon relegated the conference still further into the background.

The answer of the German front fighters on 16 May 1936 to the French front fighters' peace message of 12 May 1936, shows the extent to which Germany clung without deviation to the Fuehrer's peace ideal.

The German Reich Government stated repeatedly that the most valuable peace assurance is not to be found in all comprehensive pact systems but in the understanding between peoples. In consummation of the German-Polish Pact of Accord it eliminated in 1934 a fermenting center of danger to European policy. By the German-Austrian Agreement of 11 July 1936 it eliminated a source of European unrest.

The Soviet Union continued arming with feverish speed; its reduction of the draft age by two years gave such aggressive poignancy to Soviet militarism that on 24 August the Fuehrer increased the period of compulsory service in the German Armed Forces by two years as a countermeasure. Comments in the NSK(National Socialist Corps)stressed why increasing the period of service served as a measure which"National Socialist Germany as the protector of its own peace and thus as the protector of its culture" had to take to preserve its liberty

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and independence as a nation.

While the German Reich did all in its power to strenghthen its defensive front against the forces of disintegration, and to become a strong as/peaceful and constructive nation, it at the same time availed itself of every opportunity to give proof of its will for peace by actual deeds. The German-English Naval Pact of 23 June 1935 eliminated for ever the naval rivalry between England and Germany which in pre-war times had constituted a most unwholesome tension within Europe and thus eliminated one of the gravest disparities in Europe. Just like the German-Polish agreement of 1934, it was one of Germany's positive contributions to Europe's peace. When the Pact was concluded English public opinion welcomed in warmest terms the German Reich's acceptance to join the agreement on U-boat warfare, as covered by article 22 of the London Pact dated 22 April 1930. Through a note which Ambassador von RIBBENTROP submitted to the English State Secretary for Foreign Affairs, on 22 November 1936, the Reich consummated Germany's acceptance of the agreement on U-Boat Warfare.

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Reich Cabinet Document 65.

From: Documents of German Policy, Volume 4

("Dokumente der deutschen Politik" Bd.4)

German's rise to a Great Power.

Page 146.

Results of the election for the German Reichstag of 29 March 1936.

Total figure of people authorized to vote:	45.453,691
Total figure of votes cast:	45.001,489
Percentage of people authorized to vote:	99,0 %
Against the List and not valid	540,211
For the List	44.461,278
Percentage of the votes cast	98,8 %

In this way 741 representatives were elected.

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Reich Cabinet Document 66

From: Documents of German Policy Vol. 5

From a Great Power to World Power 1937

Pages 95, 96, 97, 98, 99, 104, 105.

Germany's Foreign Policy.

The German-Italian rapprochement, which began in the autumn of 1935, at the time of the beginning of the Abyssinian conflict, and which on 24 October led to German recognition of the Italian Empire, developed to a constantly growing closer collaboration of the two big Powers, to the "Berlin-Rome Axis", as Mussolini described it in his Milano speech of 1 November 1936. German statesmen stayed in Italy on several occasions in the year 1937.

Let us further mention the agreement which Dr. Ley concluded on 24 June with the President of the Fascist Industrial Workers' League Cianetti regarding the journeys of German workers to Italy and Italian workers to Germany. The close mutual agreement which was also clearly shown in the treatment of the Spanish question was most clearly emphasized by the state visit which the Chief of the Italian Government, Mussolini, paid to the Fuehrer from 25 to 29 September 1937, and which caused extraordinarily strong repercussions all over the world.

The Fuehrer returned the Duce's visit to Germany at the latter's invitation during the period 2 to 10 May 1937, and on this occasion also visited the cities of Neaple and Florence besides Rome.

German-Italian relations finally underwent still another development through the entry of Italy into the German-Japanese Anti-Comintern Pact which was concluded on 6 November 1937, so that Italy from now on also stands formally together with Germany and Japan in the common defense against the desintegrating work of world Bolshevism which was threatening their inner

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peace" (Telegram from the Fuehrer to Mussolini). With this the previous European Axis Berlin-Rome has become a "large, international-political triangle".

What was the state of Germany's relations with her neighbors in the year 1937? In his great speech before the Reichstag of 30 January, in which the Fuehrer expressed anew Germany's irrevocable desire for peace, he pointed out, in his review of Germany's position towards the European commonwealth of States, that the German Government had already assured Belgium as well as Holland of its preparedness "to recognize and guarantee these States at alltimes as inviolable neutral territories". This question of guarantees had been raised by the Fuehrer in the German memorandum of 7 March 1936 on the occasion of the denunciation of the Locarno Treaty, when he offered a non-aggression pact of 25 years' duration to France, Belgium, and also the Netherlands. The exchange of notes which was thereupon introduced was also continued in the year 1937. On 12 March Reich Minister for Foreign Affairs von NEURATH handed the German reply to the English Western-Pact Note of 19 November 1936 to the British Ambassador to Berlin, Sir Eric PHIPPS. Since, however, tangible results could not be achieved for the time being, the English and French Governments now complied on 24 April with the request, which King LEOPOLD III of Belgium had expressively raised in a speech of 14 October 1936, that it should be the aim of the foreign policy of his country to keep war away from Beglian territory and to engage in an exclusively Belgian policy; on this day they declared in Brussels, "that they now considered Belgium free from all obligations towards them, which arose either from the Treaty of Locarno or from the

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(General Staff-) Agreements concluded in London on 19 March 1936, and that they would maintain the existing obligations towards Belgium, into which they had entered in accordance with the above-mentioned treaties." The German Government followed this step with a Note of 13 October 1937, in which it gave the assurance that it would not limit Belgium's "inviolability" and integrity under any circumstances, and that it would respect Belgian territory at all times, and in which it simultaneously expressed its preparedness "to assist Belgium, if she should be subjected to an attack or an invasion."

In contrast to Belgium's attitude the Netherlands Government orally on 13 February disapproved the acceptance of this offer of a guarantee expressed by the Fuehrer, through the Minister for Foreign Affairs de Graeff, "since the inviolability of the Netherlands State territory was the business of the Netherlands alone and was not a suitable subject for a treaty to be concluded by the Netherlands."

Despite this the Fuehrer renewed his offer of a guarantee, by declaring on 23 February in a discussion with the former Swiss Federal Councillor (Bundesrat) Schulthess in Berlin: "We will respect the inviolability and neutrality of Switzerland at all times, no matter what may come. I am assuring you of this with all certainty."

The German-Polish relationship is based on an agreement of 26 January 1934, which, according to the words of the Fuehrer "is to the advantage of both States", a fact which is also emphasized by the visit of Minister President Goering to Poland (16 to 22 February) at the invitation of State President Moscicki. The economic collaboration was also taking satisfactory shape. The period of validity of the German-Polish Economic Agreement of 4 November 1935 which for the time being was concluded

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for a period of one year was extended by two extensions of short duration on 20 February 1939 by two years until 28 February 1939. The German-Polish minority question required a special settlement, after the agreement concluded at Geneva on 15 May 1922 had expired on 14 July 1937, on the basis of which the members of both minorities were not to be hampered in either their cultural nor their national political rights; because, although Germany after a declaration by the Administrative Head (Oberpraesident) and District Leader (Gauleiter) of Silesia Josef Wagner of 17 March was willing to continue to grant "full political, economic and cultural freedom" to the Polish minority living in Upper Silesia, forcible measures of increased severity were immediately used against Germans in Eastern Upper Silesia after the agreement had expired. Because of this, an agreement was concluded between the two governments, which provided certain basic principles for the treatment of the minorities. At a reception of representatives of the Polish minority which took place on the same day, the Fuehrer described as a prerequisite for the granting of protective rights for the Polish national group: "loyal fulfilment of obligations to be carried out for the State and obedience towards the laws" as well as "protection of the German organized corporate minority in Poland, above all with regard to their right to work and their remaining on their ancestral soil."

With the German-English Naval Agreement of 18 June 1935, which settled the ratio for Germany of the total tonnage of both fleets with 35 to 100, a decisive step for the reshaping of mutual relations had been achieved. Loopholes which still existed in this agreement with regard to the formulation of basic concepts could only be closed when an international agreement had been reached on this matter. Apart from a qualitative limitation of the total tonnage and the size of the calibers of the guns - this was achieved in the London Naval

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Treaty of 25 March 1936 between the United States, England, France (and Italy). The corresponding German-English Supplementary Treaty (Ergaenzungsabkommen) could have already been signed in the summer of 1936, if the Soviet Government had not decided on the construction of a large, modern fleet. Only when Soviet-Russia, after extremely drawn-out negotiations at least also declared her approval of a qualitative limitation of her European fleet, the German-English agreement - which was to expire on 31 December 1942 concerning -/the limitation of sea-armaments and the exchange of information about fleet construction besides a "declaration" to the agreement of 1935 could finally be signed on 17 July 1937. Germany has herewith become the only sea-power in the world who has obligated herself qualitatively and also in a quantitative respect.

Of the States outside of Europe, it is above all Japan with which Germany stands in very close relation primarily through the Anti-Comintern Agreement of 25 November 1936. When the Sino-Japanese conflict broke out in the summer of 1937, the German Ambassador in Washington, Dr. DIECKHOFF, told the American Secretary of State, HULL on 22 July, that the Reich Government maintains a strictly neutral attitude in this conflict. The German Government on 29 October 1937 further refused the Belgian invitation to the Brussels Conference, which was called as the result of this conflict, with the explanation that Germany was not a treaty-partner of the Nine-Power-Treaty of 1922; however, on the other hand, however, it declared it - self prepared "to participate in any action for the peaceful settlement of the conflict". Fur such an attempt in the initiation of peace negotiations, in which Germany cooperated toward the end of the year by request of both powers concerned and under the strictest maintenance of her neutrality collaborated by transmitting information, the Japanese and Chinese Governments on 19 and 24 January 1938 then expressed their special gratitude to the Reich Government, when the further development of

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the conflict caused the disappearance of all hopes for a settlement in the near future.

And finally, as far as Germany's attitude toward the League of Nations is concerned, the year 1937 brought a final repudiation of the Geneva Institution. In the memorandum of 7 March 1936 the Fuehrer had still expressed Germany's readiness, to reenter the League of Nations under the condition, "that in the course of an appropriate period of time the question of colonial equality as well as the question of the separation of the League of Nations from its Versailles basis should be solved by way of friendly negotiations." But, the whole previous development has proven that such a reform could not be counted upon under any circumstances. When the Italian Government - following the Japanese and the German example - also declared her withdrawal from the League of Nations on 11 December 1937, this decision was not only warmly applauded in an official German declaration of the 12th., but simultaneously the conviction was also expressed "that the political system of Geneva is not only out of place but that it is also destructive. A return of Germany into the League of Nations will therefore no longer be considered."

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Reich Cabinet Document 67

From: Pundtner-Neubert

The New German Reich Law (Das neue deutsche Reichsrecht)

Law concerning the withdrawal of naturalization and deprivation of German citizenship of 14 July 1933 (RGBl. I, p. 480)

Introduction

After the national revival, the knowledge prevailed that the possession of German citizenship has its basis above all in the living relation of the individual to the racial community included in the National-Socialist State. From this conception there resulted the urgent necessity to exclude immediately from the community of the people, t ose elements which were obviously unsuitable and proved themselves to be particularly harmful in the realm of national unity. Since the former Nationality Law did not provide in satisfactory shape for such a possibility, the decree to the following law was necessary, in order to offer to a certain extent an instrument for the expulsion of undesirable elements from citizenship.

The first part of the law (Art. 1) provided for an examination of the naturalizations which were approved in the time between the conclusion of the World War and the national revival. The official preamble leads to the conclusion that at this time "in many cases the principles of racial-national naturalization were violated" and there are numerous persons amongst those naturalized who "by their descent and convictions represented undesirable elements". Corresponding to the nature of the preamble of the law, it deals with a former measure which was discontinued when Art. 1 of the Law went out of force on 31 Dec 35.

The second part of the law (Article 2) is a regulation intended to be permament. It proceeds from the consideration that

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"with the possession of the Ger[illegible] citizenship, is united the duty of the most self-evident and distinguished fidelity to the Reich" (official preamble), and that a violation [illegible] these principles justifies exclusion from citizenship. It concerns itself exclusively with those citizens living abroad who can in no other way be brought to justice for behavior hostile to the State. There was no motive for similar action against those citizens living within the country, since they were subject to the domestic penal code.

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Reich Cabinet Document 68

From: Pfundtner - Neubert

The New German Law

V b 14 b S. 1, 2.

Decree about the Levying of a Social Equalization Tax of 5 August 1940 (RGBl. I S.1077)

(Revision after the status of 1 December 1942)

Introduction.

The following considerations make an increase of the income tax of the Polish taxpayers as compared with other taxpayers desirable: Since the conclusion of the Polish campaign, many Polish workers and employees are employed in the German artisanal industries. This applies to the annexed Eastern territories and to the other Reich territories. Special tax regulations have not yet been issued for these technical workers nor are they intended for the future. The Polish workers, therefore, receive the same wages as the German workers. But the German workers when paid recieve a smaller net amount than do the Polish workers in spite of similar occupation and the same number of working hours. This results from the fact that the following deductions in particular are made from the German workers' wages:

Contribution for the German Labor Front

Contribution to the Winter Relief Organization amounting to 10% of the wage tax.

In addition to this the German worker is burdened by contributions to the Party, to the NSV, the German Air Raid Protection and to the general community drives.

The Polish workers are not affected by these deductions and contributions. The Social Equalization Tax, will, as its name indicates, provide a corresponding compensation for this privileged position.

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The levying of the Social Equalization Tax is justified for the following reasons:

The German national is subject to compulsory labor service and compulsory military service. This results for him in important financial losses. This particularly applies to the present time when numerous German nationals, as a result of being called up for special service in the Wehrmacht lose their income for long periods of time. The German nationals left behind at home, outside of their professional activity, give their spare time to the service of the Party, its branches and associations for the benefit of the nation as a whole. It is just that the Poles who do not contribute to the protection of the German living space and can follow their callings without any hindrance, should in compensation therefore be asked for an equivalent sacrifice.

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